

EXHIBIT 4

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SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY

LILLIAN COCREHAM, an unmarried
woman, and as the sole surviving statutory
beneficiary of Emmett Cocreham and
George Cocreham,

Plaintiff,

v.

CITY OF PHOENIX, an Arizona
municipal corporation; JERI WILLIAMS
and CODY WILLIAMS, husband and
wife; ADRIAN JUAREZ, an unmarried
man; NETHANIEL BULL and MONICA
BULL, husband and wife; DANIEL
JAMES FITZGERALD and CARISSA
FITZGERALD, husband and wife;
LAKER DOHAN, an unmarried man;
JEFFREY LOSON HAM, an unmarried
man; TERRENCE FAY and JENNIFER
FAY, husband and wife; TYLER
KIPPER and CHELSEA KIPPER,
husband and wife; ERIC MINER and
ADRIANA MINER, husband and wife;
BRIAN WOOD and AMY WOOD,
husband and wife; and JOSEPH MILLS,
an unmarried man; DONALD PEELMAN
and LYNETTE PEELMAN, husband and
wife; RONALD DORFMAN an
unmarried man; GERALD HAPPENY

Case No.: CV2021-012234

**SECOND AMENDED
COMPLAINT**

Tier 3

Assigned to the Hon Joan Sinclair

1 and REBECCA HAPPENY, husband and
2 wife; and MICHAEL BURNS and
3 REGINA BURNS, husband and wife;
4 JAMES SMOKE and KRISTEN
5 SMOKE, husband and wife; RICHARD
6 HAWKINS, II and ANNAMARIE
7 HAWKINS, husband and wife; and
8 JOHN DOES 1-10,

Defendants.

9 Pursuant to Rule 10(d), Ariz.R.Civ.P., and the stipulation of all parties, Plaintiff
10 Lillian Cocreham (“Ms. Cocreham”) amends her complaint and alleges as follows:

11 **NATURE OF THE ACTION**

12 1. This action stems from the horrific and senseless shootings and killings of
13 George Cocreham and Emmett Cocreham, Ms. Cocreham’s two adult sons, on the night
14 of October 20, 2020. The Maricopa County Medical Examiner classified both deaths as
15 homicides. No justification for the shootings or killings is found in Title 13, ch. 4,
16 Ariz.Rev.Stat., or in the City of Phoenix’s own Use of Force policy.

17 2. Ms. Cocreham brings this action to recover the wrongful death and related
18 damages proximately caused her by Defendants when they responded to a service call to
19 her residence on October 20, 2020.

20 **PARTIES, JURISDICTION, AND VENUE**

21 3. Ms. Cocreham is a widow who resides at 2210 E. Amelia Avenue, Phoenix,
22 Arizona 85016.

23 4. Ms. Cocreham is the sole, surviving parent of Emmett Cocreham
24 (“Emmett”), decedent. Emmett was never married and had no children. Pursuant to
25 A.R.S. §§ 12-611 through 12-613, Ms. Cocreham brings this action for the wrongful death
26 of Emmett.

1 5. Ms. Cocreham is the sole, surviving parent of George Cocreham
2 (“George”), decedent. George was never married and had no children. Pursuant to A.R.S.
3 §§ 12-611 through 12-613, Ms. Cocreham brings this action for the wrongful death of
4 George.

5 6. Defendant City of Phoenix is an Arizona municipal corporation.

6 7. Upon information belief, Defendants Chief Jeri Williams (“Chief
7 Williams”) and Cody Williams are wife and husband and reside within Maricopa County,
8 Arizona. At all times material to this action, Chief Williams acted on behalf of her marital
9 community, and her marital community is bound by her acts and omissions and is liable
10 for the damages she caused, all as alleged herein. Upon information and belief, at all
11 times material to this action, Chief Williams served as an employee and Chief of the
12 Phoenix Police Department, and Ms. Cocreham names her as a defendant in her official
13 capacity as well as individually and as a member of her marital community. Upon
14 information and belief, at times, as alleged herein, Chief Williams acted within her
15 official capacity and scope of employment, and to that extent the City of Phoenix is bound
16 by her acts or omissions and is liable for the damages she caused, all as alleged herein.
17 Upon information and belief, at other times and as alleged herein, Chief Williams acted
18 illegally and outside of her official capacity and scope of employment, and to the extent
19 Chief Williams and her marital community are personally liable for the damages she
20 caused as alleged herein and she is not entitled to immunity for her actions in such
21 instance.

22 8. Upon information and belief, Defendant Adrian Juarez resides within
23 Maricopa County, Arizona. Upon information and belief, at all times material to this
24 action, Defendant Juarez served as an employee and officer of the Phoenix Police
25 Department, and Ms. Cocreham names him as a defendant in his official capacity as well
26 as individually. Upon information and belief, at times, as alleged herein, Defendant

1 Juarez acted within his official capacity and scope of employment, and to that extent the
2 City of Phoenix is bound by his acts or omissions and is liable for the damages he caused,
3 all as alleged herein. Upon information and belief, at other times, as alleged herein,
4 Defendant Juarez acted illegally and outside his official capacity and scope of
5 employment, and to that extent Defendant Juarez is personally liable for the damages he
6 caused as alleged herein, and he is not entitled to immunity for his actions in such
7 instances.

8 9. Upon information and belief, Defendants Nethaniel Bull and Monica Bull
9 are husband and wife and reside within Maricopa County, Arizona. At all times material
10 to this action, Defendant Bull acted on behalf of his marital community, and his marital
11 community is bound by his acts and omissions and is liable for the damages he caused,
12 all as alleged herein. Upon information and belief, at all times material to this action,
13 Defendant Bull served as an employee and officer of the Phoenix Police Department, and
14 Ms. Cocreham names him as a defendant in his official capacity as well as individually
15 and as a member of his marital community. Upon information and belief, at times, as
16 alleged herein, Defendant Bull acted within his official capacity and scope of
17 employment, and to that extent the City of Phoenix is bound by his acts or omissions and
18 is liable for the damages he caused, all as alleged herein. Upon information and belief,
19 at other times, as alleged herein, Defendant Bull acted illegally and outside his official
20 capacity and scope of employment, and to that extent Defendant Bull and his marital
21 community are personally liable for the damages he caused as alleged herein, and he is
22 not entitled to immunity for his actions in such instances.

23 10. Upon information and belief, Defendants Daniel James Fitzgerald and
24 Carissa Fitzgerald are husband and wife and reside within Maricopa County, Arizona. At
25 all times material to this action, Defendant Fitzgerald acted on behalf of his marital
26 community, and his marital community is bound by his acts and omissions and is liable

1 for the damages he caused, all as alleged herein. Upon information and belief, at all times
2 material to this action, Defendant Fitzgerald served as an employee and officer of the
3 Phoenix Police Department, and Ms. Cocreham names him as a defendant in his official
4 capacity as well as individually and as a member of his marital community. Upon
5 information and belief, at times, as alleged herein, Defendant Fitzgerald acted within his
6 official capacity and scope of employment, and to that extent the City of Phoenix is bound
7 by his acts or omissions and is liable for the damages he caused, all as alleged herein.
8 Upon information and belief, at other times, as alleged herein, Defendant Fitzgerald acted
9 illegally and outside his official capacity and scope of employment, and to that extent
10 Defendant Fitzgerald and his marital community are personally liable for the damages he
11 caused as alleged herein, and he is not entitled to immunity for his actions in such
12 instances.

13 11. Upon information and belief, Defendant Laker Dohan resides within
14 Maricopa County, Arizona. Upon information and belief, at all times material to this
15 action, Defendant Dohan served as an employee and officer of the Phoenix Police
16 Department, and Ms. Cocreham names him as a defendant in his official capacity as well
17 as individually. Upon information and belief, at times, as alleged herein, Defendant
18 Dohan acted within his official capacity and scope of employment, and to that extent the
19 City of Phoenix is bound by his acts or omissions and is liable for the damages he caused,
20 all as alleged herein. Upon information and belief, at other times, as alleged herein,
21 Defendant Dohan acted illegally and outside his official capacity and scope of
22 employment, and to that extent Defendant Dohan is personally liable for the damages he
23 caused as alleged herein, and he is not entitled to immunity for his actions in such
24 instances.

25 12. Upon information and belief, Defendant Jeffrey Loson Ham resides within
26 Maricopa County, Arizona. Upon information and belief, at all times material to this

1 action, Defendant Ham served as an employee and officer of the Phoenix Police
2 Department, and Ms. Cocreham names him as a defendant in his official capacity as well
3 as individually. Upon information and belief, at times, as alleged herein, Defendant Ham
4 acted within his official capacity and scope of employment, and to that extent the City of
5 Phoenix is bound by his acts or omissions and is liable for the damages he caused, all as
6 alleged herein. Upon information and belief, at other times, as alleged herein, Defendant
7 Ham acted illegally and outside his official capacity and scope of employment, and to
8 that extent Defendant Ham is personally liable for the damages he caused as alleged
9 herein, and he is not entitled to immunity for his actions in such instances.

10 13. Upon information and belief, Defendants Terrence Fay and Jennifer Fay are
11 husband and wife, and reside within Maricopa County, Arizona. At all times material to
12 this action, Defendant Fay acted on behalf of his marital community, and his marital
13 community is bound by his acts and omissions and is liable for the damages he caused,
14 all as alleged herein. Upon information and belief, at all times material to this action,
15 Defendant Fay served as an employee and officer of the Phoenix Police Department, and
16 Ms. Cocreham names him as a defendant in his official capacity as well as individually
17 and as a member of his marital community. Upon information and belief, at times, as
18 alleged herein, Defendant Fay acted within his official capacity and scope of employment,
19 and to that extent the City of Phoenix is bound by his acts or omissions and is liable for
20 the damages he caused, all as alleged herein. Upon information and belief, at other times,
21 as alleged herein, Defendant Fay acted illegally and outside his official capacity and scope
22 of employment, and to that extent Defendant Fay and his marital community are
23 personally liable for the damages he caused as alleged herein, and he is not entitled to
24 immunity for his actions in such instances.

25 14. Upon information and belief, Defendants Tyler Kipper and Chelsea Kipper
26 are husband and wife, and reside within Maricopa County, Arizona. At all times material

1 to this action, Defendant Kipper acted on behalf of his marital community, and his marital
2 community is bound by his acts and omissions and is liable for the damages he caused,
3 all as alleged herein. Upon information and belief, at all times material to this action,
4 Defendant Kipper served as an employee and officer of the Phoenix Police Department,
5 and Ms. Cocreham names him as a defendant in his official capacity as well as
6 individually and as a member of his marital community. Upon information and belief, at
7 times, as alleged herein, Defendant Kipper acted within his official capacity and scope of
8 employment, and to that extent the City of Phoenix is bound by his acts or omissions and
9 is liable for the damages he caused, all as alleged herein. Upon information and belief,
10 at other times, as alleged herein, Defendant Kipper acted illegally and outside his official
11 capacity and scope of employment, and to that extent Defendant Kipper and his marital
12 community are personally liable for the damages he caused as alleged herein, and he is
13 not entitled to immunity for his actions in such instances.

14 15. Upon information and belief, Defendants Eric Miner and Adriana Miner are
15 husband and wife, and reside within Maricopa County, Arizona. At all times material to
16 this action, Defendant Miner acted on behalf of his marital community, and his marital
17 community is bound by his acts and omissions and is liable for the damages he caused,
18 all as alleged herein. Upon information and belief, at all times material to this action,
19 Defendant Miner served as an employee and officer of the Phoenix Police Department,
20 and Ms. Cocreham names him as a defendant in his official capacity as well as
21 individually and as a member of his marital community. Upon information and belief, at
22 times, as alleged herein, Defendant Miner acted within his official capacity and scope of
23 employment, and to that extent the City of Phoenix is bound by his acts or omissions and
24 is liable for the damages he caused, all as alleged herein. Upon information and belief,
25 at other times, as alleged herein, Defendant Miner acted illegally and outside his official
26 capacity and scope of employment, and to that extent Defendant Miner and his marital

1 community are personally liable for the damages he caused as alleged herein, and he is
2 not entitled to immunity for his actions in such instances.

3 16. Upon information and belief, Defendants Brian Wood and Amy Wood are
4 husband and wife, and reside within Maricopa County, Arizona. At all times material to
5 this action, Defendant Wood acted on behalf of his marital community, and his marital
6 community is bound by his acts and omissions and is liable for the damages he caused,
7 all as alleged herein. Upon formation and belief, at all times material to this action,
8 Defendant Wood served as an employee and officer of the Phoenix Police Department,
9 and Ms. Cocreham names him as a defendant in his official capacity as well as
10 individually and as a member of his marital community. Upon information and belief, at
11 times, as alleged herein, Defendant Wood acted within his official capacity and scope of
12 employment, and to that extent the City of Phoenix is bound by his acts or omissions and
13 is liable for the damages he caused, all as alleged herein. Upon information and belief,
14 at other times, as alleged herein, Defendant Wood acted illegally and outside his official
15 capacity and scope of employment, and to that extent Defendant Wood and his marital
16 community are personally liable for the damages he caused as alleged herein, and he is
17 not entitled to immunity for his actions in such instances.

18 17. Upon information and belief, Defendant Joseph Mills resides within
19 Maricopa County, Arizona. Upon information and belief, at all times material to this
20 action, Defendant Mills served as an employee and officer of the Phoenix Police
21 Department, and Ms. Cocreham names him as a defendant in his official capacity as well
22 as individually. Upon information and belief, at times, as alleged herein, Defendant Mills
23 acted within his official capacity and scope of employment, and to that extent the City of
24 Phoenix is bound by his acts or omissions and is liable for the damages he caused, all as
25 alleged herein. Upon information and belief, at other times, as alleged herein, Defendant
26 Mills acted illegally and outside his official capacity and scope of employment, and to

1 that extent Defendant Mills is personally liable for the damages he caused as alleged
2 herein, and he is not entitled to immunity for his actions in such instances.

3 18. Upon information and belief, Defendants Donald Peelman and Lynette
4 Peelman are husband and wife, and reside within Maricopa County, Arizona. At all times
5 material to this action, Defendant Peelman acted on behalf of his marital community, and
6 his marital community is bound by his acts and omissions and is liable for the damages
7 he caused, all as alleged herein. Upon information and belief, at all times material to this
8 action, Defendant Peelman served as an employee and officer of the Phoenix Police
9 Department, and Ms. Cocreham names him as a defendant in his official capacity as well
10 as individually and as a member of his marital community. Upon information and belief,
11 at times, as alleged herein, Defendant Peelman acted within his official capacity and scope
12 of employment, and to that extent the City of Phoenix is bound by his acts or omissions
13 and is liable for the damages he caused, all as alleged herein. Upon information and
14 belief, at other times, as alleged herein, Defendant Peelman acted illegally and outside his
15 official capacity and scope of employment, and to that extent Defendant Peelman and his
16 marital community are personally liable for the damages he caused as alleged herein, and
17 he is not entitled to immunity for his actions in such instances.

18 19. Upon information and belief, Defendant Ronald Dorfman resides within
19 Maricopa County, Arizona. Upon information and belief, at all times material to this
20 action, Defendant Dorfman served as an employee and officer of the Phoenix Police
21 Department, and Ms. Cocreham names him as a defendant in his official capacity as well
22 as individually. Upon information and belief, at times, as alleged herein, Defendant
23 Dorfman acted within his official capacity and scope of employment, and to that extent
24 the City of Phoenix is bound by his acts or omissions and is liable for the damages he
25 caused, all as alleged herein. Upon information and belief, at other times, as alleged
26 herein, Defendant Dorfman acted illegally and outside his official capacity and scope of

1 employment, and to that extent Defendant Dorfman is personally liable for the damages
2 he caused as alleged herein, and he is not entitled to immunity for his actions in such
3 instances.

4 20. Upon information and belief, Defendants Gerald Happeny and Rebecca
5 Happeny are husband and wife, and reside within Maricopa County, Arizona. At all times
6 material to this action, Defendant Happeny acted on behalf of his marital community, and
7 his marital community is bound by his acts and omissions and is liable for the damages
8 he caused, all as alleged herein. Upon information and belief, at all times material to this
9 action, Defendant Happeny served as an employee and officer of the Phoenix Police
10 Department, and Ms. Cocreham names him as a defendant in his official capacity as well
11 as individually and as a member of his marital community. Upon information and belief,
12 at times, as alleged herein, Defendant Happeny acted within his official capacity and
13 scope of employment, and to that extent the City of Phoenix is bound by his acts or
14 omissions and is liable for the damages he caused, all as alleged herein. Upon information
15 and belief, at other times, as alleged herein, Defendant Happeny acted illegally and
16 outside his official capacity and scope of employment, and to that extent Defendant
17 Happeny and his marital community are personally liable for the damages he caused as
18 alleged herein, and he is not entitled to immunity for his actions in such instances.

19 21. Upon information and belief, Defendants Michael Burns and Regina Burns
20 are husband and wife, and reside within Maricopa County, Arizona. At all times material
21 to this action, Defendant Burns acted on behalf of his marital community, and his marital
22 community is bound by his acts and omissions and is liable for the damages he caused,
23 all as alleged herein. Upon information and belief, at all times material to this action,
24 Defendant Burns served as an employee and officer of the Phoenix Police Department,
25 and Ms. Cocreham names him as a defendant in his official capacity as well as
26 individually and as a member of his marital community. Upon information and belief, at

1 times, as alleged herein, Defendant Burns acted within his official capacity and scope of
2 employment, and to that extent the City of Phoenix is bound by his acts or omissions and
3 is liable for the damages he caused, all as alleged herein. Upon information and belief,
4 at other times, as alleged herein, Defendant Burns acted illegally and outside his official
5 capacity and scope of employment, and to that extent Defendant Burns and his marital
6 community are personally liable for the damages he caused as alleged herein, and he is
7 not entitled to immunity for his actions in such instances.

8 22. Upon information and belief, Defendants James Smoke and Kristen Smoke
9 are husband and wife, and reside within Maricopa County, Arizona. At all times material
10 to this action, Defendant Smoke acted on behalf of his marital community, and his marital
11 community is bound by his acts and omissions and is liable for the damages he caused,
12 all as alleged herein. Upon information and belief, at all times material to this action,
13 Defendant Smoke served as an employee and officer of the Phoenix Police Department,
14 and Ms. Cocreham names him as a defendant in his official capacity as well as
15 individually and as a member of his marital community. Upon information and belief, at
16 times, as alleged herein, Defendant Smoke acted within his official capacity and scope of
17 employment, and to that extent the City of Phoenix is bound by his acts or omissions and
18 is liable for the damages he caused, all as alleged herein. Upon information and belief,
19 at other times, as alleged herein, Defendant Smoke acted illegally and outside his official
20 capacity and scope of employment, and to that extent Defendant Smoke and his marital
21 community are personally liable for the damages he caused as alleged herein, and he is
22 not entitled to immunity for his actions in such instances.

23 23. Upon information and belief, Defendants Richard Hawkins II and
24 Annamarie Hawkins are husband and wife, and reside within Maricopa County, Arizona.
25 At all times material to this action, Defendant Hawkins acted on behalf of his marital
26 community, and his marital community is bound by his acts and omissions and is liable

1 for the damages he caused, all as alleged herein. Upon information and belief, at all times
2 material to this action, Defendant Hawkins served as an employee and officer of the
3 Phoenix Police Department, and Ms. Cocreham names him as a defendant in his official
4 capacity as well as individually and as a member of his marital community. Upon
5 information and belief, at times, as alleged herein, Defendant Hawkins acted within his
6 official capacity and scope of employment, and to that extent the City of Phoenix is bound
7 by his acts or omissions and is liable for the damages he caused, all as alleged herein.
8 Upon information and belief, at other times, as alleged herein, Defendant Hawkins acted
9 illegally and outside his official capacity and scope of employment, and to that extent
10 Defendant Hawkins and his marital community are personally liable for the damages he
11 caused as alleged herein, and he is not entitled to immunity for his actions in such
12 instances.

13 24. Defendants JOHN DOES 1-10 and JANE DOES 1-10 are persons,
14 incorporated or unincorporated business entities or associations, or Arizona public jural
15 entities, whose true names currently are unknown to Ms. Cocreham, but who, by action
16 or by omission when they had a duty to act, caused or contributed to Ms. Cocreham's
17 damages, and therefore are liable to her as alleged herein. Ms. Cocreham accordingly has
18 designated them by fictitious names pursuant to Rule 10(d), Ariz.R.Civ.P. Once Ms.
19 Cocreham learns their true names and learns the extent of their involvement with regard
20 to the facts which form the basis of this action, Ms. Cocreham will amend the amended
21 complaint to name their true names, as provided in Rule 10(d).

22 25. Defendants herein are jointly and severally liable as provided for under
23 Arizona or federal law or both, based on the facts alleged below and based on the fact that
24 the individual defendants, other than spouses, were acting in concert and were acting as
25 agents or servants of the City of Phoenix.

26 26. Venue is proper in Maricopa County under A.R.S. § 12-401.

27. This Court has jurisdiction of this action pursuant to ARIZ. CONST. art. 6, § 14 and A.R.S. § 12-123, and concurrent jurisdiction under 42 U.S.C. § 1983 of the claims made herein under federal law.

28. The Defendant employees and officers of the Phoenix Police Departments will be referred to herein collectively as Officers. Officers with supervisory positions and responsibilities are also referred to as Supervising Officers or Supervisors. As the context indicates, on occasion, Ms. Cocreham uses herein the term “PHX PD” and COP for short to refer to actions or omissions taken or refrained from respectively by the Officers or the City of Phoenix or any combination of them.

CLAIM FOR ATTORNEYS' FEES

29. Ms. Cocreham is entitled to an award of reasonable attorneys' fees under 42 U.S.C. § 1988(b) and also A.R.S. §39-121.01.

TIER ASSIGNMENT

30. As provided in Rule 8(b)(1), Ariz.R.Civ.P., no dollar amount or figure for damages is stated herein, but the minimum jurisdictional amount established for filing the action is satisfied herein, and the damages pleaded in this amended complaint qualify this action for Tier 3 under Rule 26.2(c)(3), Ariz.R.Civ.P.

ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF

31. Within 180 days of October 20, 2020, Ms. Cocreham timely and properly served a notice of claim on all defendants covered by A.R.S. § 12-821.01 and has done all things necessary to satisfy A.R.S. § 12-821.01. By inaction, all defendants covered by A.R.S. § 12-821.01 have denied the claim.

32. Ms. Cocreham has satisfied all requirements and conditions, if any, to perfecting her right to file this action and to making the claims for relief pleaded in this amended complaint.

1 33. As described herein, unless specifically alleged otherwise, the actions or
2 omissions committed or refrained from by the Officers or each individually fell within
3 the course and scope of their respective employment with the City of Phoenix and were
4 taken under color of Arizona law, and conformed to the official policy, custom or practice
5 of the City of Phoenix.

6 34. Accordingly, such actions or omissions bind the City of Phoenix and render
7 the City of Phoenix responsible and liable for same under the doctrines of agency,
8 *respondeat superior*, and master/servant. To the extent Ms. Cocreham claims the
9 Officers, collectively or individually, acted outside the course and scope, Ms. Cocreham
10 will so specify.

11 35. On October 20, 2020, the Officers responded to a service call at 2210 East
12 Amelia Avenue, Phoenix, Arizona 85016. Ms. Cocreham owned this property on October
13 20, 2020, and still owns it.

14 36. Just minutes after arriving, Officer Juarez shot and killed Emmett without
15 justification. Emmett was unarmed and doing nothing more than walking around in his
16 backyard attempting to make sense of the chaos surrounding him when Officer Juarez
17 leveled his rifle at Emmett, aimed at him, and shot him twice, once in the head and once
18 in the neck, killing him instantly.

19 37. Officer Dohan then shot George in the back, as George was retreating from
20 the back patio into his house after seeing his brother fall dead from a shot to the head.
21 Like Officer Juarez, Officer Dohan shot George without justification. The bullet
22 punctured George's right lung, and it left him in acute danger of bleeding to death.

23 38. Both shootings violated the Use of Force Policy set forth in the Phoenix
24 Police Department's Operations Order 1.5, and highlight the ongoing policies, customs
25 and practices by the City of Phoenix, the Phoenix Police Department, and its officers, of
26

1 using excessive force in the form of shooting first and asking questions later, and then
2 failing to provide emergency aid when needed.

3 39. In 2018, the Phoenix Police Department led the nation as the agency with
4 the most fatal officer-involved-shooting incidents, with a total of 23 deaths that
5 year. That same year, the Phoenix Police Department was involved in 44 officer-
6 involved-shootings in total. Though the number decreased to 15 officer-involved
7 shootings in 2019, in 2020 it spiked 73% to 26. Although the City of Phoenix has
8 promised to reform this grim distinction of leading the nation in shootings, this case
9 demonstrates that such reform has not yet occurred and may never occur within the
10 foreseeable future.

11 40. Despite knowing that George was unarmed, stunned, and disabled, and was
12 bleeding profusely and was placed in mortal peril by the gunshot wound to his back, and
13 despite knowing that the scene presented no danger to their personal safety, all of the
14 Officers present at the scene, including Officers Peelman, Dorfman, Burns, and Smoke,
15 and also Lieutenant Eric Miner, who refused to allow a fellow officer from seeking
16 medical attention for George, allowed George to bleed to death while they watched,
17 offering no emergency aid or meaningful assistance of any kind for nearly an hour after
18 he was shot. The Officers present at the scene could have saved George's life had they
19 timely rendered aid and summoned an ambulance to transport him to a hospital
20 emergency room.

21 41. Three Level 1 trauma hospitals were located within four miles and at most
22 ten minutes of the Cocreham home: Valleywise Health Medical Center at 2601 E.
23 Roosevelt Street, Banner University Medical Center at 1111 E. McDowell Road, and St.
24 Joseph's Hospital and Medical Center at 350 W. Thomas Road, all in Phoenix. It should
25 be further noted that Phoenix Fire Station No. 61 is located at 1925 E. Indian School
26 Road, about three blocks from the Cocreham home. It would have taken one or two

1 minutes after dispatch for Phoenix Fire units to arrive on scene at the Cocreham house,
2 from Station 61, and taken no more than ten minutes, and probably less at that hour of the
3 night, for an ambulance to transport George to one of these Level 1 Trauma Centers.

4 42. When the Officers finally elected to have Phoenix Fire Department
5 personnel transport George to Valleywise Health Medical Center, it was too late.
6 Valleywise Health Medical Center pronounced George dead at 9:58 p.m., on October 20,
7 2020. The failure timely to render aid to George and timely to transport him to a hospital
8 emergency room also violated the Use of Force Policy.

9 43. The Phoenix Fire Department pronounced Emmett dead 13 minutes earlier,
10 at 9:45 p.m. the same day, though he had lain dead on the ground for more than 30 minutes
11 before the medics actually pronounced him dead. Inexplicably, the Officers moved his
12 lifeless body from the location where he fell dead to the alley way behind Ms. Cocreham's
13 property. Such conduct directly impacted the accuracy and credibility of the post-
14 shooting investigation, which the Officers controlled. They left his body in the alley
15 behind the Cocreham house until after 5:30 a.m. the next morning.

16 44. Consistent with Arizona law, having opted to respond to the subject call for
17 help, the City of Phoenix and the Officers, and each of them, owed Emmett, George, and
18 Ms. Cocreham a duty to act as would a reasonably careful and prudent police
19 department/officer in the same circumstances. As demonstrated in detail below, the
20 Officers and the City of Phoenix breached such duty, which directly and proximately
21 caused the damages suffered by Lillian Cocreham and the deaths of her sons, Emmett and
22 George Cocreham.

23 45. The deaths of her sons have left Ms. Cocreham isolated and alone. She is
24 approaching 65 years of age, suffers with chronic pain in her back, and has to depend on
25 hired help for her daily needs. Yet, the greatest pain that she suffers is the tragic and
26

1 needless loss of her sons. She has no one to give her love to, and she feels as though she
2 has lost her purpose in life.

3 46. On October 20, 2020, at approximately 8:09 p.m., Ms. Cocreham called the
4 Phoenix Police Department's non-emergency line to report that she was barricaded in her
5 room and in fear for her safety because Emmett was threatening her.

6 47. Ms. Cocreham asked the Department to send a counselor to help mediate
7 the dispute, as it had done in the past. The agent told Ms. Cocreham that the Department
8 would send someone out to her home.

9 48. When no one showed up by 8:45 p.m., Ms. Cocreham called 911 and asked
10 for help. Ms. Cocreham explained to the 911 operator that the family was in distress,
11 suffering, and reliving the pain of the anniversary of her husband's death. She again
12 asked the operator for a mediator to help calm her sons down.

13 49. The Officers responded to the dispatch. Rather than handle the disturbance
14 in a reasonable and prudent manner, the Officers, including the Supervising Officers
15 (Lieutenant Miner, Sergeant Kipper, Sergeant Mills, Sergeant-in-Training Wood, and
16 Sergeant Fay), individually and collectively inflamed a domestic disturbance call into an
17 unacceptably chaotic situation.

18 50. Such chaos set in motion the events that led to Officer Juarez shooting and
19 killing Emmett, with no justification or immunity, Officer Dohan shooting George, with
20 no justification or immunity, the failure of all Officers on the scene, identified below, to
21 render aid to George and timely summon an ambulance to transport him to the Hospital,
22 the Officers' utter indifference to whether George lived or died as he lay bleeding before
23 them, and George's foreseeable and inexorable death, proximately caused by the gunshot
24 and failure to render timely aid and transport.

25 51. George and Emmett never threatened the police and had no history of doing
26 so. In his statement, Officer Juarez also said the Cocreham brothers were fighting on the

1 night of the incident. That statement is false. George and Emmett were not fighting, and
2 the yelling they did at one another was to help each other survive the chaos, as evidenced
3 in the police body cam recordings.

4 52. Bill Martinez, Emmett and George's uncle, informed Officers David
5 Rowley and Ronald Sandoval that this had happened before and that he had been able to
6 calm the boys and defuse the situation. This information fell on deaf ears. Rather than
7 employing common sense tactics to defuse and calm the situation, the Supervising
8 Officers on the scene and the Officers under their command turned up the heat and
9 brought chaos to the scene to the extent that Emmett, who moments before had raised his
10 hands and turned in a circle with his hands in the air to show the officers in the alley that
11 he was unarmed, was shot in the head from a distance of approximately 20 yards (hardly
12 a long shot) and George was shot in the back attempting to retreat to the relative safety of
13 his house after his brother Emmett was shot and killed.

14 53. The two deaths resulted directly from the Supervising Officers' failure to
15 gain command and control of the scene and of a non-combative situation well within their
16 grasp, which they could have achieved with common sense, much less the training, skill,
17 and knowledge police officers and their supervisors all should have before they put on
18 the uniform and badge of office.

19 54. The Officers in the alley were in direct communication with the Supervising
20 Officers, and the evidence proves that the Supervising Officers had the opportunity and
21 means of directing the conduct of these Officers. Such conduct demonstrates that the City
22 of Phoenix, through its Police Department, failed to adequately train the Supervisors and
23 Officers to deal with this and similar situations, which are commonly encountered by law
24 enforcement in the course of performing their work, and that such failure was a direct and
25 proximate cause of the harm and damage that befell George, Emmett, and Ms. Cocreham.

26

1 55. Officers Bull and Bendokaitis arrived at Ms. Cocreham's residence at
2 approximately 8:53 p.m. on October 20, 2020. Officer Bull was a field training officer
3 and Officer Bendokaitis was in training. When they arrived, Ms. Cocreham walked out
4 her front door, met the Officers in her front yard, and explained to the them what was
5 going on.

6 56. Ms. Cocreham was taken down the block, well away from her home. At
7 this point, the only persons remaining at the Cocreham home were Emmett and George.

8 57. The Officers moved away from the house and called for additional units,
9 including a helicopter. At approximately 9:01 p.m., a helicopter arrived above Ms.
10 Cocreham's home and announced commands to "Walk out front with your hands up". As
11 the events progressed, the noise from the helicopter's blades and shouted commands from
12 multiple officers added to the chaos and made it difficult, if not impossible, for George
13 and Emmett to hear the commands being shouted at them by numerous Officers.

14 58. Meanwhile, other Officers arrived at the alley behind the house, including
15 Officer Fitzgerald and Officer Dohan, who exited their vehicle with their guns
16 drawn. Soon thereafter, Officer Fitzgerald left the alley and headed towards the front of
17 the house but returned to the alley shortly thereafter.

18 59. Rather than finding a safe barricade, as they should have been trained to do,
19 Officer Dohan and Officer Fitzgerald positioned themselves behind a chain-link fence,
20 which offered no meaningful protection.

21 60. Officer Dohan had his police-issued AR-15 long gun pointed toward the
22 house. At that time, Emmett and George were walking back and forth between the
23 backyard patio and the house. At one point both Emmett and George were standing
24 behind the house, and George told Emmett to go back inside. Officer Dohan yelled
25 toward the house, "Let me see your hands!" and "Drop the gun!" Critically, even though
26 Officers have alleged it, not one video produced by the City of Phoenix shows either

George or Emmett holding a firearm. Nor was there any evidence that either George or Emmett fired a shot.

61. One of the brothers yelled, “I can’t hear!” As Officer Dohan started to reply, the brother interrupted, “No seriously! I can’t hear you! If they back off then I would be able to hear you.” Rather than defuse a tense situation, the tactics employed by the Officers, and their Supervisors, inflamed the situation and resulted in chaos and led ultimately to the needless killings of both George and Emmett.

62. Officer Ham and Officer Juarez arrived on the scene and positioned themselves in the alley behind the house. Officer Juarez was holding his AR-15 long gun and pointing it towards the house. Like Officer Dohan and Officer Fitzgerald, Officer Ham and Officer Juarez failed to find a suitable protective cover. Instead, they stood just behind the chain-link fence, which offered no cover whatsoever.

The Senseless and Unjustified Shooting of Emmett Cocreham.

63. Officer Juarez then climbed onto the hood of a police SUV, and again aimed his long gun toward the house. This needlessly exposed Officer Juarez, and it ratcheted up the intensity of the situation.

64. Emmett, standing in the backyard, made a 360 degree turn with his hands up and empty. Moments later, George opened the back door of the house, leaned out, and called to Emmett. Emmett, unarmed, took a few steps toward the door. He posed no threat to anyone and uttered no threats to anyone.

65. At 9:05 p.m., without issuing any warning that the use of deadly force was imminent, Officer Juarez aimed at Emmett and fired four shots in rapid succession. One of Officer Juarez’s bullets hit Emmett in the neck and another in the cranium. The shot in the brain killed Emmett instantly, and Emmett’s lifeless body fell to the ground.

66. The shots that struck and killed Emmett were not ricochets, stray shots, or accidents. Though Officer Juarez later claimed that he was aiming at George’s center

1 mass, the evidence contradicts this story. He aimed at Emmett, and he shot and killed
2 Emmett, with no justification or immunity. Officer Juarez' poor and reckless judgment
3 caused him to act unreasonably and with undue haste.

4 67. What's more, Officer Juarez created a dangerous situation by exposing
5 himself and by failing to take effective cover.

6 68. Officer Juarez described the man he shot to investigating Officers in the
7 following statements, "I was focused on the one with a gun, the brother with the white
8 shirt on." George was wearing blue and Emmett, the unarmed brother, was wearing white
9 and gray. Emmett had no gun, and had never been seen with a gun, as is patently clear
10 from the videos and the evidence. Juarez continued, "I could not let him shoot an officer,
11 he was pointing the gun at officers." That statement also is false.

12 69. When Officer Juarez was asked about his knowledge of the call prior to
13 arrival, he said he did not read the notes or learn of the details of the call, because he was
14 focused on his partner's driving on the way to the Cocreham residence.

15 70. Officer Juarez was on site for a total of seven minutes before he shot and
16 killed Emmett, including his arrival in the front yard, communication with Officers who
17 told him to go to the back yard for coverage, driving to the back yard, getting out of police
18 SUV, asking Officers who had been at the residence assessing the situation to move out
19 of his way, jumping on the police SUV, and firing his weapon at Emmett, an unarmed
20 man, and killing him instantly.

21 71. All of Officer Juarez's actions were needless and senseless. He was not
22 properly and effectively directed by the Supervising Officer(s). What's more, he did not
23 evaluate the situation as he should have. And further, his statements indicate he did not
24 even know whom he was pointing his gun at before shooting an unarmed and non-
25 combative man.

1 72. When Detective Rudd interviewed Officer Juarez five hours after the
2 shootings, Officer Juarez could not provide details regarding where the gun was pointed,
3 how the gun was held, or where George and Emmett were located. What's more, after
4 admitting that he gave no verbal commands to anyone prior to killing Emmett, Officer
5 Juarez remained silent when Detective Rudd asked why he didn't give any verbal
6 commands.

7 73. When Detective Rudd asked him how long he had to react, Officer Juarez
8 again remained silent. Detective Rudd then shamelessly utilized a leading question,
9 which is completely inappropriate in the context of an internal shooting investigation,
10 stating "did you have seconds?"

11 74. At that point Officer Juarez agreed with and adopted the answer suggested
12 by the leading question, indicating that he only had a second to respond because his fellow
13 officers were in danger. Detective Rudd clearly coached Officer Juarez before the
14 investigation, and the coaching was evidenced by Juarez's lack of knowledge or details
15 when interviewed by attorneys and other detectives.

16 75. The nature of the shots suggests or indicates that Officer Juarez aimed at
17 and shot Emmett intentionally and directly. It leaves no other reasonable conclusion.

18 **The Senseless and Unjustified Shooting of George Cocreham.**

19 76. Seeing his brother shot and killed, George immediately dropped or lowered
20 himself towards the ground. He then started to lift himself up to retreat back inside the
21 house when Officer Dohan fired one shot and hit George in his right mid-back.

22 77. The bullet tore through George's ribs and right lung and exited through his
23 medial right upper chest. The shot did not tear or sever any major arteries or veins. The
24 shot appears to have knocked George back through the doorway into the house or he
25 walked back into the house.

78. No objective evidence in the form of videos or photographs shows George holding a gun when he was shot and his brother was killed.

79. After George was shot, he started bleeding from his bullet wound. There was a trail of blood throughout the residence and a large pool of blood where he lay outside waiting for help.

80. Several Officers claimed that George was holding a rifle, and even that he had pointed it at some of their number. A rifle was found in the kitchen after George and Emmett were shot and killed, but it had no blood on it or anywhere near it.

81. George was right-handed, was shot in the middle of his right back with the bullet exiting his right chest, suffered a puncture of his right lung, and began to bleed immediately after being shot. He could not have carried the same rifle to the kitchen without getting a single drop of blood on or near the rifle and without leaving a trail of blood to the rifle. In addition, because he was right-handed and shot on the right side with a puncture of the right lung, it is extremely unlikely that he could have carried the rifle into the house.

82. Further, though there was allegedly a spent cartridge in the chamber of the rifle, there was no credible evidence that the rifle was fired. A box of 30-30 caliber cartridges was allegedly found in the residence, but the box appeared to be full.

83. What's more, the City of Phoenix refused to allow Ms. Cocreham to return to her home until 9:00 a.m. on October 21, 2020, and thus Phoenix Officers had complete control of the scene to conduct a thorough search for evidence.

84. Despite their search, no projectile was ever found from the rifle and there is no evidence of a projectile ever striking a wall, ceiling, floor, or other structure at the Cocreham house.

Additional Circumstances

1 85. Officer Juarez said the man he shot was holding a long gun and sweeping
2 the rifle at Officers and at Emmett. In contradictory terms, he also stated the man in the
3 white shirt was sweeping his gun at Officers, he saw the barrel pointed towards him, he
4 was in fear for his life and the lives of fellow Officers, and that is why he fired his weapon
5 multiple times. To reiterate what was stated above, George Cocreham was wearing a blue
6 shirt and Emmett, the unarmed brother, was wearing the white shirt.

7 86. Officer Juarez further stated that the other brother was not in the line of fire.
8 The man he shot never had a weapon or anything that resembled a weapon in his hands.
9 It is noteworthy that other Officers jumped on board with the deceptive story and repeated
10 the same statements to investigating officers and attorneys. The supervising Officers can
11 be heard coaching the Officers before the investigating officers arrived on the scene.

12 87. The Officers' failure to find suitable protective cover, coupled with the
13 chaos created by multiple Officers shouting incoherent commands to Emmett and George
14 amidst the drowning helicopter noise, created an unreasonably dangerous situation for
15 Ms. Cocreham and her sons, and directly and proximately caused the damages she
16 suffered and the wrongful deaths of her two sons and the damages suffered by them.

17 88. What's more, Officer Juarez's decision to use lethal force against an
18 indisputably unarmed Emmett, who posed no threat or danger to anyone, and his failure
19 to properly identify his intended target before using lethal force, directly and proximately
20 caused the damages suffered by Ms. Cocreham and the wrongful death of Emmett and
21 the damages he suffered.

22 89. Similarly, Officer Dohan's decision to use lethal force against George, who
23 appears to have been unarmed at the time he was shot, and who was retreating into the
24 safety of his house with his back turned to the Officers, directly and proximately caused
25 the damages suffered by Ms. Cocreham and the wrongful death of George and the
26 damages he suffered.

1 90. The acts and omissions described above clearly establish that the City of
2 Phoenix failed to adequately train the Officers, and each of them, for situations similar to
3 this one, which are not uncommon, are foreseeable, recur from time-to-time, and confront
4 similarly situated officers on a daily basis or nearly daily basis, and that such failures also
5 directly and proximately caused or contributed to the harm that befell George, Emmett,
6 and Lillian Cocreham. Further, these acts and omissions conformed to the City's official
7 policies, customs, and practices, which were inadequate to equip the Officers with the
8 knowledge and training necessary to successfully resolve the situation they faced. The
9 City of Phoenix's failure to train the Officers, coupled with the City's official policies,
10 customs, and practices amounted to a deliberate indifference to the rights of persons with
11 whom the police officers come into contact, including Lillian, Emmett and George
12 Cocreham.

13 **The Utter Indifference to whether George Cocreham Lived or Died, and**
14 **Allowing Him to Bleed to Death without Timely Aid or Transport.**

15 91. At approximately 9:10 p.m. - 9:15 p.m., the air unit announced over the
16 radio that they believed someone was crawling out from under a structure. Nonetheless,
17 it does not appear that any action was taken for at least ten minutes. George was
18 responsive at this time and his life could have been saved had the Officers provided
19 emergency aid and immediately got him to the hospital, which they had the immediate
20 ability to do, had they had any interest in doing so. The Phoenix Fire Department was
21 called at 9:22 p.m. and arrived on site at 9:23 p.m. At 9:24 p.m., approximately nineteen
22 minutes after George had been shot and started bleeding out, Officer Fitzgerald stated,
23 "Is someone saying 'Ow' over there? ... Who's that- Who's that over there- laying down
24 on the- on the side over there?" Officer Dohan replied that it was "the suspect" and noted,
25 "He's laying down, it looks like there's nothing in his hands." Officer Dohan then called
26

1 out, “Hey, sir, are you hit?” and then noted to the Officers that it looked like George was
2 bleeding.

3 92. Various Officers yelled instructions to George, telling him to keep his hands
4 empty and “roll to the alley”. George complied with the instructions as best he could,
5 despite the shot to his back and lung that was killing him. These instructions continued
6 for approximately five minutes. At 9:31 p.m., multiple Officers entered the backyard
7 through the alley gate. The Officers walked up to George, who was laying on his back in
8 a pool of blood, with nothing in his hands or anywhere near him, gasping for breath and
9 bleeding to death. George was responsive at this time and his life could have been saved
10 had the Officers provided emergency aid and immediately got him to the hospital, which
11 they had the immediate ability to do, had they had any interest in doing so. Instead,
12 Officer Dohan and an unknown Officer then dragged George to the alley. Neither they
13 nor any other Officer on the scene provided emergency aid to George or took any steps
14 to save his life, despite the fact that timely aid would have saved his life.

15 93. Most inexplicably of all, at 9:38 p.m., Officer Gerald Happeny and an
16 unidentified Officer shoved George into a police SUV, where he remained until he was
17 retrieved by the Phoenix Fire Department rescue team at 9:46 p.m., 41 minutes after he
18 was shot by Officer Dohan. Placing George upright inside the SUV with a bleeding chest
19 wound was negligent and unreasonable and exacerbated his physical condition,
20 contributing to his death. Again, no one provided emergency aid of any kind to George
21 during this entire time, despite the fact that he was bleeding to death in the police SUV
22 where the Officers had placed him, and despite the fact that the Officers knew that the
23 shots killed Emmett, that no one other than Officers remained at the scene, that no one
24 would have posed any threat of any kind to the Officers had they rendered timely aid to
25 George, and despite the fact that the Phoenix Fire Department rescue team was waiting
26 and had been available on site since 9:23 p.m.

1 94. Though the Phoenix Fire Department rescue team was on site at 9:23 p.m.
2 and Officers saw George bleeding to death on the ground with no weapon at 9:24 p.m.,
3 the Officers did not bring George to the waiting and available Phoenix Fire Department
4 team until 9:46 p.m. George was unarmed and dying for 22 minutes, within feet of help
5 but no one made a move to save his life. Instead, George was left to bleed to death.

6 95. At 9:09 p.m., an unidentified Officer in the alley who appears to be a
7 supervisor directed, "We'll get him medical attention when we can. He's not moving.
8 We've got eyes on him...." The Officer then stated, "We're in no rush to get that guy
9 right now." That sums up the callous indifference to whether George lived or died.

10 96. The Officers in the back alley, including without limitation, Officers
11 Dohan, Fitzgerald, Happeny, Ham, Juarez, Wood, Miner, Peelman, Dorfman, Burns,
12 Smoke, and other unidentified Officers, and each of them, and also the Supervising
13 Officers, had a duty to take reasonable steps to administer emergency aid or allow aid to
14 be administered to George Cocreham to save his life after he was shot in the back by
15 Officer Dohan, and yet did nothing for him and failed to intervene to induce or force other
16 Officers to render aid, which would have saved George's life, thus violating George's
17 rights under art. 2, sections 4, 8, and 15, of the Arizona Constitution, other Arizona law,
18 the Fourth and Fourteenth Amendments to the United States Constitution, and 42 U.S.C.
19 § 1983, 1985, and 1988.

20 97. The Officers showed a complete indifference as to whether George lived or
21 died. Under the facts and circumstances of this case, such conduct could only be deemed
22 as extreme and outrageous and intentional or in reckless disregard for the safety and
23 welfare of George. What's more, the facts and circumstances leading up to the Officers'
24 refusal to provide George with emergency aid, which resulted in his needless death, are
25 compelling evidence that such Officers conspired and agreed to allow him to die to
26

1 eliminate the only other witness to the illegal and unconstitutional conduct perpetrated by
2 the Officers on the night of October 20, 2020.

3 98. George arrived at Valleywise Health Medical Center Trauma at 9:51 p.m.
4 and was pronounced dead seven minutes later. These facts indicate that George died from
5 blood loss and could have been saved by the Officers had they provided even minimal
6 emergency aid to stop the bleeding and/or immediately transported him to receive medical
7 care, which they did not do.

8 99. Meanwhile, the Officers inexplicably dragged Emmett's body from the
9 location where he fell dead on the back patio to the alley, where his lifeless body was laid
10 in the dirt and debris, and where residents keep their trash cans for weekly pick
11 up. Emmett was left in the alley for eight hours before the City of Phoenix called the
12 coroner at 3:47 a.m. Emmett's body was not picked up and taken to the Medical
13 Examiner's Office until 5:36 a.m. Such conduct, under the circumstances of this case,
14 made no sense and indicates a conspiracy and cover-up. Emmett's body should have been
15 left where it fell when he was shot by Officer Juarez until a full and fair investigation into
16 the officer-involved-shooting could take place. Once the investigation was complete, the
17 coroner should have been called promptly to retrieve Emmett's body.

18 **The Lack of Justification or Immunity.**

19 100. No justification existed under the common law or under Title 13, Ch. 4,
20 Ariz.Rev.Stat., and no immunity existed under Arizona law or federal law, for Officer
21 Juarez to aim at and shoot Emmett in the head and neck and kill him while he was
22 unarmed and posing no threat to himself or to anyone else. Under the circumstances of
23 this case, no reasonable person would have believed that physical force was immediately
24 necessary to protect himself or anyone else against Emmett Cocreham, because he never
25 threatened or attempted the use of any force, much less unlawful physical force, nor could
26 he have done so. To wit:

1 101. Emmett was unarmed and threatening no one at the time and place
2 described herein. Yet, Officer Adrian Juarez shot him twice, once in the neck and once
3 in the head, as Emmett walked with his empty hands towards the patio door leading into
4 the kitchen. Emmett's apparent last words were spoken to the Officers located in the back
5 alley; he said, "I can't hear you. If you tell them [helicopter officers] to go away, I could
6 hear you. I can't hear what you're saying". Officer Juarez's shots killed Emmett
7 instantly.

8 102. No justification existed under the common law or under Title 13, Ch. 4,
9 Ariz.Rev.Stat., and no immunity existed under Arizona law or federal law, for Officer
10 Dohan to shoot George in the back. Contrary to claims made by Officers, and claims
11 circulated to the press, George was unarmed and threatening no one at the time and place
12 described herein. Seconds after Officer Juarez shot and killed Emmett, Officer Laker
13 Dohan shot George in the back as George attempted to retreat into his house. His hands
14 were empty. George was last heard telling his brother, Emmett, "Come on, let's [get?]
15 the f. . . out of here. Come on Emmett!" George and Emmett were not fighting or
16 combative, they were scared and yelling, because they could not hear anyone over the
17 sounds of the helicopter and many shouting Officers.

18 103. After he was shot, and after the Officers at the back gate observed him with
19 nothing in his hands, and after he did his best to comply with the Officers' demands that
20 he roll towards them, and despite knowing that there were no other individuals in the
21 house that could have caused them harm, the Officers rendered no aid to George – not
22 even to put pressure on the wound to slow or stop the bleeding – and did nothing more
23 than drag him to a police SUV and shove him inside, where he lost a substantial amount
24 of blood, in total disregard of his safety and well-being. The City of Phoenix officers are
25 supplied with Quick Clot, and have it available to them in their vehicles. Yet, they refused
26

1 to render emergency aid to George, and used none of the resources readily available to
2 them to save George's life.

3 104. This loss of control of the situation and ensuing chaos, unjustified shooting
4 in the back, and then failure to render even minimal emergency aid after shooting him,
5 killed George. In a legal sense, the lack of training of the Officers, which amounts to a
6 policy and practice at the City of Phoenix Police Department, and failure to render timely
7 aid and transport after the shooting were the direct and proximate cause of George's
8 death.

9 105. The Medical Examiner concluded that George died of "complications from
10 a gunshot wound." His death could have been prevented if the City of Phoenix Officers
11 would have rendered timely emergency aid, assisted in stopping the bleeding, and allowed
12 Phoenix Fire to immediately provide emergency aid at the scene and transport him to the
13 hospital in a timely manner. Instead, they stood by watching George crawl and roll for
14 help, as Officers continued to shout at him. For at least 40 minutes, none of the Officers
15 helped George medically or allowed emergency aid to be provided to him by Phoenix
16 Fire Department personnel. He was shot in the back and he was bleeding profusely, the
17 City of Phoenix Officers callously and in an indecent, inhumane, and depraved manner
18 let him bleed to death in their very presence. In fact, Officer Fitzgerald was heard asking,
19 "Is someone saying 'Ow?'," then various Officers instructed George to roll or crawl
20 towards the back gate in the alley for medical assistance. George had been bleeding for
21 nearly 30 minutes without aid at that time.

22 106. George was on the patio when Officers gave him commands to roll towards
23 the gate. Ten minutes later, George was still on the patio and despite his best efforts, he
24 was too weak to roll or crawl to the Officers for medical treatment. Officers noted that
25 both of his hands were empty and reported the same to their superiors, who said "just
26 have him crawl to us for help." Eventually, the Officers entered the back yard and

1 extracted George, where they left him in the alley in critical condition, still not rendering
2 aid. Inexplicably, the Officers put George in a City of Phoenix Tahoe and transported
3 him to the front of the Cocreham home, where the Phoenix Fire Department was waiting
4 to render care.

5 107. George was in the care of the Phoenix Fire Department for five minutes,
6 and within that time he apparently died. The Officers at the scene could have stopped
7 George's bleeding and saved his life with appropriate emergency aid and by transporting
8 him to the hospital. Instead, they did nothing, watching him bleed to death. Such callous
9 indifference shocks the conscience, betrays the values of decent society, and draws the
10 City of Phoenix into shame and disgrace.

11 **Integral Participation and Alternative Actions.**

12 108. Officers Ham, Fitzgerald, Dohan, Wood, Hawkins, and the other Officers
13 in the alley saw Officer Juarez climb on top of the police SUV, without cover, and fire
14 toward the house. In fact, Officer Juarez asked Officer Ham to move aside when he was
15 on top of the vehicle. Officer Ham and other Officers in the immediate vicinity, as well
16 as the Supervising Officers, had a reasonable opportunity to stop Officer Juarez; yet, they
17 chose not to act and failed to stop him, thus directly causing or contributing to the harm,
18 damages, and deaths suffered by Emmett and George. Ms. Cocreham currently lacks
19 sufficient information to specifically identify the other Officers referenced above by name
20 and, therefore, will amend the amended complaint when such information is discovered.

21 109. Similarly, Officers Fitzgerald, Ham, Juarez, Wood, Hawkins and other
22 Officers in the immediate vicinity, as well as the Supervising Officers, observed Officer
23 Dohan standing behind the chain-link fence in the alley without cover aiming his AR-15
24 at George Cocreham and had a reasonable opportunity to stop Officer Dohan from
25 shooting George Cocreham; yet they chose not to act and failed to stop him, thus directly
26 causing or contributing to the harm, damages, and deaths suffered by Emmett and George

1 Cocreham. Ms. Cocreham currently lacks sufficient information to specifically identify
2 additional officers by name and, therefore, will amend the amended complaint when such
3 information is discovered.

4 110. What's more, the Supervising Officers had a reasonable opportunity to
5 direct the Officers in the back alley, including Officers Juarez and Dohan, among other
6 things, to take safe cover, remain silent, control the perimeter, exercise patience and wait
7 out the disturbance, and take no action(s) that would needlessly escalate the domestic
8 disturbance into an unnecessarily dangerous situation and to the two deaths; yet they
9 chose not to act and failed to act to stop the Officers, including Officer Juarez from
10 shooting and killing Emmet, and Officer Dohan from shooting George in the back, thus
11 directly causing and contributing to the harm, damages, and deaths suffered by Emmett
12 and George Cocreham. These acts and omissions by the Officers and Supervising
13 Officers were a direct and proximate cause of the harm and damages that befell George,
14 Emmett and also Lillian Cocreham and were a violation of their rights under the Arizona
15 Constitution and Arizona law, as well as their individual constitutional rights under the
16 Fourth and Fourteenth Amendments to the United States Constitution.

17 111. The Supervising Officers and the other Officers that observed George after
18 he was shot in the back and before he was finally transported to the hospital, including
19 Lieutenant Eric Miner, Officers Wood, Dohan, Fitzgerald, Happeny, Juarez, Peelman,
20 Dorfman, Burns, Smoke, Ham, and the tactical team that encountered George bleeding in
21 the back yard, had a reasonable opportunity to stop all of the other similarly situated
22 Officers from failing to render emergency aid to George or taking the necessary steps to
23 allow George to be transported to the hospital, which would have saved his life, yet they
24 chose not to act and failed to stop such Officers from allowing George to die, thus directly
25 causing or contributing to George's death. Ms. Cocreham currently lacks sufficient
26

1 information to identify any additional officers by name and, therefore, will amend the
2 amended complaint when such information is discovered.

3 **Violations of the City of Phoenix Use of Force Policy.**

4 112. Phoenix Police Department Operations Order 1.5 sets forth the
5 Department's Use of Force Policy. The General Policy stated in section 3 permits the use
6 of force, but only under specified circumstances. In this case, the Supervisors and
7 Officers violated the policy in numerous respects.

8 113. First, the policy permits the use of only a "reasonable amount of force to
9 conduct lawful safety activities." Reasonableness is judged on the totality of
10 circumstances. Section 4(I) governs the use of deadly force. Five bullet points from this
11 section of the policy are relevant to the analysis.

- 12 • The use of deadly force must be reasonable to protect the Officers or a third
13 person "from another's use or threatened use of deadly force," or to
14 overcome an attack "the employee reasonably believes would produce
15 serious physical injury or death to the employee or another person."
- 16 • When "the circumstances justifying the use of deadly force no longer exist,
17 deadly force will be immediately discontinued through the use of de-
18 escalation strategies."
- 19 • "Deadly force is utilized as a last resort when other measures are not
20 practical under the existing circumstances."
- 21 • "When the shooting of a subject appears imminent, employees will, if
22 practical issue a verbal warning."
- 23 • "Firearms will not be used under circumstances in which a substantial and
24 unjustifiable risk of injury or death to bystanders exists."

25 114. Second, section 3(B)(2) of the Policy adduces the following non-exclusive
26 circumstances bearing on reasonableness (bullet points in the original):

- “The severity of the crime.”
- “Whether the subject poses an immediate threat to the safety of officers or others.”
- “Whether the subject is actively resisting arrest or attempting to evade arrest by flight.”

115. Third, section 3(B)(3) of the Policy amplifies the test of reasonableness as follows:

3) “Elements of Force - Employees need to consider the following:

- a) Ability – Does the subject have the apparent physical means to cause harm?
 - Employees must also evaluate his/her ability to handle the threat passed by the subject.
- b) Opportunity – The circumstances are such that the subject has the apparent ability to harm the employee/s or others.
 - Distances, barriers, and opportunities for both the subject/s and employee/s should be taken into account.
- c) Jeopardy – Is the subject causing an imminent and immediate threat to the employee/s or others?
 - Denotes actions, cues, or indicators demonstrated by the subject.
- d) Preclusion – All other alternatives have been reasonably considered and cannot be employed in a safe manner based on the totality of the circumstances the employee/s or others are facing.”

1 116. Fourth, Section 1(B) of the Policy states a duty to intervene: “Duty to
2 Intervene – All employees **will** intervene when they know or should know another
3 employee is using unreasonable force.” (Emphasis in original.)

4 117. Fifth, Section 3(C) of the Policy requires officers at a shooting to render
5 and summon aid:

6 C. Medical Treatment - Employees are responsible for requesting
7 medical treatment for subjects against whom force was used.

- 8 • Any time there is an injury, or an alleged injury, as a result of force
9 used by Department personnel, **employees will:**
- 10 • Examine any person claiming injury and render first aid, if necessary.
- 11 • Request paramedics to respond to the scene, if appropriate.
- 12 • Immediately notify a supervisor. (Emphasis in original.)

13 118. Sixth, Section 1(B) of the Policy imposes a reporting duty when
14 unreasonable force is used: “All employees will immediately report excessive force
15 verbally to a supervisor.”

16 119. The shootings and killings of Emmett Cocreham and George Cocreham
17 violated the foregoing parts of the Use of Force Policy.

18 120. In compliance with the Policy, the Supervisors should have de-escalated the
19 situation. Ms. Cocreham had left the scene, which removed her from any jeopardy.

20 121. That left only Emmett and George at the scene – in the back of the house or
21 in the back yard. Accordingly, the Supervisors and Officers could have and should have
22 sealed off the house and yard, established a barricade in the alley or in the back yard, for
23 their defense and protection, and waited out the heat and emotions of the moment, until
24 calm could have been restored.

25 122. Instead of taking this reasonable course, which would have exposed no one
26 to an unreasonable risk or danger, much less loss of life, the Supervisors lost control of

1 the scene and Officers Juarez and Dohan respectively shot and killed Emmett and George
2 with no cause or justifications. To wit:

3 123. It was manifestly unreasonable for Officer Juarez to shoot and kill Emmett.
4 At all times, Emmett was unarmed, he had committed no crime, he was not attempting to
5 flee or evade arrest, and he was posing no threat to anyone – not to himself and not to
6 anyone else. Officer Juarez escalated the intensity of the situation. What’s more, it was
7 not an accident for Officer Juarez to shoot and kill Emmett. The process of drawing down
8 the rifle, aiming it at Emmett, sighting him in the red-dot sight, and firing and hitting him
9 twice, once at the head and once at the neck, negates any claim of accident.

10 124. It was likewise manifestly unreasonable for Officer Dohan to shoot George
11 in the back. The evidence does not show that he was armed when he was shot. He was
12 retreating into the house, and thus posed no immediate threat to himself or anyone else.
13 He was not attempting to flee and was not in the process of committing a crime.

14 125. Officer Ham, Fitzgerald, Ham, Duhan, Wood, Hawkins and potentially
15 other Officers were situated next to Officer Juarez, saw him draw down on Emmett and
16 shoot and kill Emmett. They saw what he was doing, they could have tried to get him off
17 the SUV hood, and they could have tried to stop Officer Juarez. Officer Fitzgerald and
18 potentially other Officers were situated next to Officer Dohan. Policy 1(B) required all
19 of these Officers to intervene. They all failed to do so. Ms. Cocreham currently lacks
20 sufficiently lacks information to specifically identify additional officers by name and,
21 therefore will amend the amended complaint when such information is discovered

22 126. Most unreasonable of all were the failure timely to render aid to George
23 after Officer Dohan shot him in the back and the failure to transport him to one of the
24 three Level 1 trauma centers no more than four miles and ten minutes distant from the
25 scene. These failures clearly violated section 3(C) of the Policy, as well as all norms of
26 human decency.

The Cover-Up.

127. The City of Phoenix, the Phoenix Police Department, and the Officers attempted a cover up. In the Incident Report, a number of Officers reported that George shot Emmett. On the night of October 20, 2020, or in the early morning of October 21, 2020, Officer Rudd told Ms. Cocreham that Emmett shot George. Yet, no evidence ever existed that George shot Emmett, or that Emmett shot George. Officer Juarez shot Emmett, and Officer Dohan shot George. The Officers claimed that George was armed and fired a shot but, as mentioned above, no body camera footage has been produced showing George with a weapon in the moments before he and Emmett were shot, and the lack of blood on or around the rifle where it was found in the kitchen proves that George was unarmed when he was shot. Ms. Cocreham currently lacks sufficient information to identify such officers by name and, therefore, will amend the amended complaint when such information is discovered.

128. There is no credible evidence to establish that George ever fired the rifle during the incident. No projectile was found. No damage was done to any walls, buildings, or structures. A casing was found in the rifle, but that does not mean the rifle was fired during this incident. It is just as logical that it was fired earlier and remained in the rifle.

129. The City of Phoenix also misled the public in its video released on YouTube, incorrectly stating that George pointed a rifle at Emmett and the Officers in the alley and that George fired a round from his rifle.

130. Ms. Cocreham found the word “fuck” written in chalk on the exterior wall of her house in the same oil-based chalk that was used by the City of Phoenix to mark the bullet holes left by the Officers.

131. Detective Michael Rudd had informed Mr. Martinez about George and Emmett’s passing. Detective Rudd told Ms. Cocreham that one brother shot the other

1 brother and they (the City of Phoenix) had to shoot the brother with the gun. Ms.
2 Cocreham began to cry and asked, “How did this happen?” Detective Rudd replied,
3 “Mom, we had to protect the officers.” However, this was not the truth. George did not
4 shoot Emmett, Officer Juarez did. Emmett did not shoot George, Officer Dohan did.
5 What’s more, neither George nor Emmett ever placed any of the Officers or anyone else
6 in any kind of physical or personal jeopardy.

7 132. In addition to the conduct described above, the City of Phoenix has refused
8 to turn over critical evidence, including video footage and imaging from the Phoenix
9 Police helicopter that was flying overhead during the relevant time period, to Ms.
10 Cocreham related to this horrific shooting pursuant to a lawful, despite her repeated public
11 records requests pursuant to A.R.S. § 39-121 *et seq.* Such conduct, coupled with the
12 conduct described above, is extreme and outrageous, and shows a reckless disregard that
13 such conduct would, and indeed has caused, extreme and severe emotional distress on
14 Ms. Cocreham as the mother and sole wrongful death beneficiary of George and Emmett
15 Cocreham.

16 **Ms. Cocreham’s Loss of Companionship and Consortium and Related Losses.**

17 133. The conduct described above deprived Ms. Cocreham of the
18 companionship, consortium, and society of her only two children, and caused her to suffer
19 severe mental and emotional distress, depression, anxiety, insomnia, panic attacks,
20 anorexia nervosa, for which she is receiving medical care, all without due process of law.

21 134. What’s more, all such conduct demonstrates a reckless and callous
22 indifference to constitutional rights of Emmett, George, and Ms. Cocreham.

23 **The Failure to Treat Emmett’s Body with Dignity and Decency.**

24 135. With no reason to do so, the Officers moved Emmett’s body from the back
25 yard, where he was shot and killed, to the alley behind the Cocreham home, where it lay
26 until the next day, October 21, 2020. Common decency, and certainly societal norms,

1 would have called for his body to be moved promptly from the alley behind the Cocreham
2 home to the Maricopa County Medical Examiner's facilities, or at least kept in the
3 Cocreham home, instead of in a trashy alley.

4 136. Yet Phoenix Officers placed it in the alley and let it remain in the alley for
5 many hours. The thought of Emmett's body lying undignified in the alley torments Ms.
6 Cocreham and has caused her to suffer enormous mortification, mental pain, anxiety,
7 depression, and anguish, for which Phoenix and the Supervisors and Officers are
8 responsible.

9 **FIRST CLAIM FOR RELIEF**

10 **Wrongful Death of Emmett**

11 137. Ms. Cocreham adopts herein by reference all allegations of all preceding
12 paragraphs.

13 138. For the reasons stated in the paragraphs above, the Defendants, and each of
14 them, are liable to Ms. Cocreham under Arizona's wrongful death laws, A.R.S. §§ 12-
15 611 through 12-613.

16 139. Such conduct proximately caused Ms. Cocreham to suffer damages from
17 the wrongful death of her son for which the Defendants, and each of them, are liable to
18 Ms. Cocreham under Arizona's wrongful death laws, A.R.S. §§ 12-611 through 12-613.

19 140. Included in such conduct, without limitation, Officer Juarez wrongfully
20 shot and killed Emmett with no justification or immunity.

21 141. Officer Juarez's killing of Emmett proximately caused Ms. Cocreham to
22 suffer damages from the wrongful death of her son for which Officer Juarez is liable to
23 Ms. Cocreham under Arizona's wrongful death laws, A.R.S. §§12-611 through 12-613.

24 142. The Officers other than Officer Juarez and the City of Phoenix further
25 contributed or added to the efficient cause of Emmett's wrongful death as follows:
26

1 143. In addition to Officer Juarez's conduct, the Supervising Officers, including
2 without limitation, Officers Bull #9010, Wood #9097, Miner #7273, Kipper #8151, and
3 Mills #8093, failed to gain command and control of the scene.

4 144. In addition, the training policies of Defendant City of Phoenix and Chief
5 Williams were not adequate to train the Officers to handle the usual and recurring
6 situations with which they must deal, including the situations and events on the night of
7 October 20, 2020.

8 145. Officer Juarez's killing of Emmett, the failure of the Supervising Officers
9 to gain control and command of the scene, and the failure of the City of Phoenix and
10 Chief Williams to train its officers proximately caused the wrongful death of Emmett and
11 proximately caused Ms. Cocreham to suffer damages from the wrongful death of her son
12 for which Officer Juarez, the City of Phoenix, and all other Officers are liable to Ms.
13 Cocreham under A.R.S. §§ 12-611 through 12-613. Under A.R.S. §§ 12-611 through 12-
14 613, the City of Phoenix is equally liable to Ms. Cocreham for such damages same under
15 the doctrines of agency, *respondeat superior*, and master/servant.

16 146. Such damages exceed the jurisdictional threshold of this Court and are to
17 be determined by the jury under A.R.S. § 12-613 as the jury deems fair and just with
18 reference to the injury resulting from Emmett's death to Ms. Cocreham, "and also having
19 regard to the mitigating or aggravating circumstances attending the wrongful act, neglect
20 or default."

21 147. Such damages include Ms. Cocreham's loss of Emmett's consortium, love,
22 affection, companionship, care, protection, and guidance since his death and in the future.
23 In addition, Ms. Cocreham has suffered pain, grief, sorrow, anguish, stress, shock, mental
24 suffering, depression, insomnia, anxiety, social isolation, panic attacks, and anorexia
25 nervosa resulting from Emmett's killing, which damages she will continue to suffer in the
26 future, as well the reasonable expenses of funeral and burial.

148. Ms. Cocreham therefore is entitled to judgment against Officer Juarez and Jane Doe Juarez and their marital community, against all other Officers and their respective spouses and marital communities, and against the City of Phoenix for all such damages.

SECOND CLAIM FOR RELIEF

Wrongful Death of George

149. Ms. Cocreham adopts herein by reference all allegations of all preceding paragraphs.

150. For the reasons stated in the paragraphs above, the Defendants, and each of them, are liable to Ms. Cocreham under Arizona's wrongful death laws, A.R.S. §§ 12-611 through 12-613.

151. Such conduct proximately caused Ms. Cocreham to suffer damages from the wrongful death of her son for which the Defendants, and each of them, are liable to Ms. Cocreham under Arizona's wrongful death laws, A.R.S. §§ 12-611 through 12-613.

152. Included in such conduct, without limitation, Officer Dohan wrongfully shot and killed George with no justification or immunity.

153. All of the Officers on scene had a duty to render meaningful aid to George after Officer Dohan shot him, including the immediate transport of George to hospital.

154. All Officers breached such duty by failing to render timely and adequate aid to George, which would have saved his life.

155. Officer Dohan's shooting of George and the failure of all Officers to render timely and adequate aid proximately caused Ms. Cocreham to suffer damages from the wrongful death of her son for which Officer Dohan and all other Officers are liable to Ms. Cocreham under Arizona's wrongful death laws, A.R.S. §§12-611 through 12-613.

156. The Officers other than Officer Dohan and the City of Phoenix further contributed or added to the efficient cause of Emmett's wrongful death as follows:

1 157. They failed to render timely and proper aid to George as he lay bleeding to
2 death before them, and such aid would have saved his life.

3 158. Further, the Supervising Officers, including without limitation, Officers
4 Bull #9010, Wood #9097, Miner #7273, Kipper #8151, and Mills #8093, failed to gain
5 command and control of the scene.

6 159. In addition, the training policies of Defendant City of Phoenix and Chief
7 Williams were not adequate to train its officers to handle the usual and recurring situations
8 with which they must deal, including the situations and events on the night of October 20,
9 2020.

10 160. Officer Dohan's killing of George, the failure of all Officers to render
11 timely and adequate aid to George, the failure of the Supervising Officers to achieve
12 command and control of the scene, the failure of the City of Phoenix and Chief Williams
13 to properly train its officers for situations like the ones that occurred on the night of
14 October 20, 2020, proximately caused the wrongful death of George and proximately
15 caused Ms. Cocreham to suffer damages from the wrongful death of her son for which
16 Officer Dohan, the City of Phoenix, and all other Officers are liable to Ms. Cocreham
17 under A.R.S. §§ 12-611 through 12-613.

18 161. The City of Phoenix is equally liable to Ms. Cocreham for such damages
19 same under the doctrines of agency, *respondeat superior*, and master/servant.

20 162. Such damages exceed the jurisdictional threshold of this Court and are to
21 be determined by the jury under A.R.S. § 12-613 as the jury deems fair and just with
22 reference to the injury resulting from George's death to Ms. Cocreham, "and also having
23 regard to the mitigating or aggravating circumstances attending the wrongful act, neglect
24 or default."

25 163. Such damages include Ms. Cocreham's loss of George's consortium, love,
26 affection, companionship, care, protection, and guidance since his death and in the future.

1 In addition, Ms. Cocreham has suffered pain, grief, sorrow, anguish, stress, shock, mental
2 suffering, depression, insomnia, anxiety, social isolation, panic attacks, and anorexia
3 nervosa resulting from George's killing, which damages she will continue to suffer in the
4 future, as well the reasonable expenses of funeral and burial.

5 164. Ms. Cocreham therefore is entitled to judgment against Officer Dohan and
6 Jane Doe Dohan and their marital community, against all other Officers and their
7 respective spouses and marital communities, and against the City of Phoenix for all such
8 damages.

9 **THIRD CLAIM FOR RELIEF**

10 **Property Damage**

11 165. Ms. Cocreham adopts herein by reference all allegations of all preceding
12 paragraphs.

13 166. All Officers owed Ms. Cocreham a duty to use reasonable care in coming
14 onto her property at 2210 E. Amelia Avenue, Phoenix, Arizona.

15 167. In breach of such duties, the shots fired by Officers Juarez and Dohan or
16 the Officers' subsequent crime scene investigation or both proximately caused damages
17 to Ms. Cocreham's property for which the City is liable to Ms. Cocreham.

18 168. Ms. Cocreham therefore is entitled to judgment against the Officers and the
19 City of Phoenix for all such property damages in an amount to be determined at trial.

20 **FOURTH CLAIM FOR RELIEF**

21 **Public Records – A.R.S. §39-121.01**

22 169. Ms. Cocreham adopts herein by reference all allegations of all preceding
23 paragraphs.

24 170. By means of letters dated January 13, 2021 and January 20, 2021, copies of
25 which are attached as Exhibit 1 to this amended complaint and are adopted into this claim
26

1 by reference, and acting through counsel D. Aaron Brown, Ms. Cocreham made a request,
2 pursuant to A.R.S. § 39-121.01, for copies of public records from the City of Phoenix.

3 171. The City of Phoenix acknowledged the request by means of various emails
4 dated from February 10-May 5, 2021, received from the City of Phoenix Police Records
5 Administrator, City of Phoenix, a copy of which is attached as Exhibit 2 to this amended
6 complaint and is adopted into this claim by reference.

7 172. Not having received some of the requested documents from the City of
8 Phoenix, D. Aaron Brown, on behalf of Lily Cocreham, followed up the requests by
9 means of a letter, a copy of which is attached, together with its enclosure, as Exhibit 3 to
10 this amended complaint and is adopted into this claim by reference.

11 173. The February 23, 2021 letter reiterated the respective requests for public
12 documents, and put the City of Phoenix on notice that action to compel production would
13 be taken, as provided in A.R.S. § 39-121.02, if the documents were not produced
14 promptly.

15 174. To date, the City of Phoenix has failed to produce several of the documents
16 in response to Ms. Cocreham's requests, despite their obligation to do so promptly under
17 A.R.S. § 39-121.01.

18 175. More recently, David Cantelme, on Ms. Cocreham's behalf re-requested the
19 previous document requests of un-redacted versions of Phoenix Police body cams,
20 incident site photographs and Police helicopter video along with call records to the
21 Phoenix City Attorney Chris Meyers on June 1, 2021 and June 14, 2021 herein as Exhibit
22 4.

23 176. The City's inaction and failure to produce such records promptly, is deemed
24 improper and unlawful denials of Ms. Cocreham's public-records requests under A.R.S.
25 § 39-121.01(E), and accordingly it has failed "to perform a duty required by law as to
26 which [they have] no discretion," within the meaning of Rule 3; Special Action Rules.

177. Ms. Cocreham is entitled to and claims an award of reasonable attorneys' fees and costs incurred in this action against the City of Phoenix as provided by A.R.S. § 39-121.02(B).

178. As a result, Ms. Cocreham is entitled to judgment pursuant to A.R.S. § 39-121.02(A) ordering the City of Phoenix forthwith to produce the public records requested by Ms. Cocreham, as described in this claim, and awarding her reasonable attorneys' fees and costs incurred in this action pursuant to A.R.S. § 39-121.02(B).

FIFTH CLAIM FOR RELIEF

42 U.S.C. § 1983 – Emmett’s Death

179. Ms. Cocreham adopts herein by reference all allegations of all preceding paragraphs.

180. At all times material to this action, all Officers acted under the color of Arizona law.

181. By shooting and killing Emmett without justification, Officer Juarez violated Ms. Cocreham's rights under the Fourth and Fourteenth Amendments to the United States Constitution by the deprivation of companionship and consortium, and the loss of society and association with her son Emmett without due process of the law.

182. Such violation and deprivation of Ms. Cocreham's rights under the Fourth and Fourteenth Amendments proximately caused her to suffer damages in the form of the loss of Emmett's consortium, love, affection, companionship, care, protection, and guidance since his death and in the future. In addition, Ms. Cocreham has suffered pain, grief, sorrow, anguish, stress, shock, mental suffering, depression, insomnia, anxiety, social isolation, panic attacks, and anorexia nervosa resulting from Emmett's killing, which damages she will continue to suffer in the future, as well the reasonable expenses of funeral and burial.

1 183. Officer Juarez therefore is liable to Ms. Cocreham for all such damages
2 under 42 U.S.C. § 1983.

3 184. Defendant City of Phoenix failed to provide Officer Juarez and the other
4 Defendants with adequate training to appropriately deal with the events of October 20,
5 2020, which events are usual and recurring events for law enforcement in the City of
6 Phoenix. Such failures to train amounted to a deliberate indifference to the rights of
7 Emmett Cocreham and also his mother, Ms. Cocreham, and proximately caused the
8 damages that befell Ms. Cocreham.

9 185. Under the doctrine of supervisory liability, Officers Bull #9010, Wood
10 #9097, Miner #7273, Kipper #8151, Mills #8093, and possibly other Officers are
11 therefore equally liable for such damages to Ms. Cocreham under 42 U.S.C. § 1983.

12 186. Officers Bull #9010, Wood #9097, Miner #7273, Kipper #8151, Mills
13 #8093, and possibly other Officers personally participated in the above-mentioned
14 deprivation of constitutional rights of Emmett Cocreham and Ms. Cocreham.

15 187. Officers Bull #9010, Wood #9097, Miner #7273, Kipper #8151, Mills
16 #8093, and possibly other Officers knew of the violations and failed to act to prevent
17 them.

18 188. Under the doctrine of bystander liability/integral participation, Officers
19 Bull #9010, Wood #9097, Miner #7273, Kipper #8151, Mills #8093, and possibly other
20 Officers are therefore equally liable for such damages to Ms. Cocreham under 42 U.S.C.
21 § 1983.

22 189. Officers Bull #9010, Wood #9097, Miner #7273, Kipper #8151, Mills
23 #8093, and possibly other Officers set in motion of acts which caused others to inflict
24 constitutional injury upon Emmett and Ms. Cocreham.

1 190. Defendants, each of them, with authority to do so, promulgated or
2 implemented a policy so deficient that the policy itself is a repudiation of constitutional
3 rights' and is the moving force of the constitutional violation.

4 191. The death of Emmett, and Ms. Cocreham's damages claimed herein, are a
5 direct and proximate result of the above-mentioned failures and breaches.

6 192. Ms. Cocreham has suffered and will continue to suffer injury and damage
7 as a result of these Defendants' breaches, acts and omissions.

8 193. Under the doctrine of Bystander Liability/Integral Participation, all Officers
9 are equally liable to Ms. Cocreham for all such damages under 42 U.S.C. § 1983.

10 194. At all relevant times, all Officers owed members of the public, including
11 Ms. Cocreham and the decedents, a duty to intercede or intervene when their fellow
12 officers violate the constitutional rights of a suspect or other citizen, including the rights
13 of Emmett and Ms. Cocreham.

14 195. At all relevant times, all Officers knew or should have known that a fellow
15 officer was violating the constitutional rights of Emmett and Ms. Cocreham.

16 196. At all relevant times, all Officers had a reasonable opportunity to prevent
17 the harm by act or omission.

18 197. At all relevant times, all Officers, and each of them, chose not to act.

19 198. At all relevant times, all Officers, and each of them, breached their duty by
20 the above-mentioned actions and inactions to intercede or intervene when fellow officers
21 were violating the constitutional rights of Emmett and Ms. Cocreham.

22 199. The death of Emmett, and Plaintiff's damages claimed herein, are a direct
23 and proximate result of the above-mentioned failures and breaches.

24 200. Ms. Cocreham has suffered and will continue to suffer injury and damage
25 as a result of these Defendants' breaches, acts and omissions.
26

201. Ms. Cocreham is entitled to an award of reasonable attorneys' fees under 42 U.S.C. § 1988(b) against the City of Phoenix, and against all Officers and their respective spouses and marital communities.

202. Ms. Cocreham therefore is entitled to judgment against Officer Juarez and Jane Doe Juarez and their marital community, and against all other Officers and their respective spouses and marital communities, and against the City of Phoenix, for all such damages and for an award of reasonable attorneys' fees under 42 U.S.C. § 1988(b).

SIXTH CLAIM FOR RELIEF

42 U.S.C. § 1983 – George’s Death

203. Ms. Cocreham adopts herein by reference all allegations of all preceding paragraphs.

204. At all times material to this action, all Officers acted under the color of Arizona law.

205. By shooting and killing George, Officer Dohan violated Ms. Cocreham's rights under the Fourth and Fourteenth Amendments to the United States Constitution by the deprivation of companionship and the loss of society and association with her son George without due process of the law.

206. By failing to render timely and adequate aid to George, resulting in his loss of life when timely and adequate aid could have saved his life, all Officers violated Ms. Cocreham's rights under the Fourth and Fourteenth Amendments to the United States Constitution by the deprivation of companionship and the loss of society and association with her son George.

207. Such violations and deprivations of Ms. Cocreham's rights under the Fourth and Fourteenth Amendments proximately caused her to suffer damages in the form of the loss of George's consortium, love, affection, companionship, care, protection, and guidance since his death and in the future. In addition, Ms. Cocreham has suffered pain,

1 grief, sorrow, anguish, stress, shock, mental suffering, depression, insomnia, anxiety,
2 social isolation, panic attacks, and anorexia nervosa resulting from George's killing,
3 which damages she will continue to suffer in the future, as well the reasonable expenses
4 of funeral and burial.

5 208. Officer Dohan and all other Officers are therefore is liable to Ms. Cocreham
6 for all such damages under 42 U.S.C. § 1983.

7 209. Defendant City of Phoenix failed to provide Officer Dohan and the other
8 Officers with adequate training to appropriately deal with the events of October 20, 2020,
9 which events are usual and recurring events for law enforcement in the City of Phoenix.
10 Such failures to train amounted to a deliberate indifference to the rights of George and
11 also his mother, Ms. Cocreham, and proximately caused the injures that occurred to Ms.
12 Cocreham.

13 210. Under the doctrine of supervisory liability, Officers Bull #9010, Wood
14 #9097, Miner #7273, Kipper #8151, Mills #8093, and possibly other Officers are equally
15 liable for such damages to Ms. Cocreham under 42 U.S.C. § 1983.

16 211. Officers Bull #9010, Wood #9097, Miner #7273, Kipper #8151, Mills
17 #8093, and possibly other Officers personally participated in the above-mentioned
18 deprivation of constitutional rights of George Cocreham and Ms. Cocreham.

19 212. Officers Bull #9010, Wood #9097, Miner #7273, Kipper #8151, Mills
20 #8093, and possibly other Officers knew of the violations and failed to act to prevent
21 them.

22 213. Officers Bull #9010, Wood #9097, Miner #7273, Kipper #8151, Mills
23 #8093, and possibly other Officers set in motion of acts which caused others to inflict
24 constitutional injury upon George Cocreham and Ms. Cocreham.

1 214. All Officers, and each of them, with authority to do so, promulgated or
2 implemented a policy so deficient that the policy itself is a repudiation of constitutional
3 rights' and is the moving force of the constitutional violation.

4 215. The death of George, and Ms. Cocreham's damages claimed herein, are a
5 direct and proximate result of the above-mentioned failures and breaches.

6 216. Ms. Cocreham has suffered and will continue to suffer injury and damage
7 as a result of these Defendants' breaches, acts and omissions.

8 217. Under the doctrine of Bystander Liability/Integral Participation, all Officers
9 are equally liable to Ms. Cocreham for all such damages under 42 U.S.C. § 1983.

10 218. At all relevant times, the Defendants owed members of the public, including
11 Ms. Cocreham and her two decedents, a duty to intercede or intervene when their fellow
12 officers violate the constitutional rights of a suspect or other citizen, including the rights
13 of George and Ms. Cocreham.

14 219. At all relevant times, all Officers knew or should have known that a fellow
15 officer was violating the constitutional rights of George Cocreham and Ms. Cocreham.

16 220. At all relevant times, Defendants had a reasonable opportunity to prevent
17 the harm by act or omission.

18 221. At all relevant times, Defendants chose not to act.

19 222. At all relevant times, Defendants, and each of them, breached their duty by
20 the above-mentioned actions and inactions to intercede or intervene when fellow officers
21 were violating the constitutional rights of George Cocreham and Ms. Cocreham.

22 223. The death of George Cocreham, and Ms. Cocreham's damages claimed
23 herein, are a direct and proximate result of the above-mentioned failures and breaches.

24 224. Ms. Cocreham has suffered and will continue to suffer injury and damage
25 as a result of these Defendants' breaches, acts and omissions.

225. Ms. Cocreham is entitled to an award of reasonable attorneys' fees under 42 U.S.C. § 1988(b) against all the City of Phoenix, and against all Officers and their respective spouses and marital communities.

226. Ms. Cocreham therefore is entitled to judgment against Officer Dohan and Jane Doe Dohan and their marital community, against all other Officers and their respective spouses and marital communities, and against the City of Phoenix, for all such damages and for an award of reasonable attorneys' fees under 42 U.S.C. § 1988(b).

SEVENTH CLAIM FOR RELIEF

Punitive Damages

227. Ms. Cocreham adopts herein by reference all allegations of all preceding paragraphs.

228. All Officers' conduct in failing to render aid to George as he lay wounded and bleeding to death, when timely and reasonable aid could have saved his life, was extreme and outrageous as to go beyond all bounds of decency and qualifies to be regarded as atrocious and utterly intolerable in a civilized community and constitutes conduct wrought by an evil hand guided by an evil mind, as those terms are used within Arizona punitive-damages law.

229. All Officers' conduct was driven by evil motive or intent and it involved a reckless or callous indifference to the constitutional rights of George and Ms. Cocreham.

230. To such extent, all Officers acted outside the course and scope of their employment by the City of Phoenix and deprived them of the immunity otherwise afforded them by A.R.S. § 12-820.04.

231. All Officers are therefore liable to Ms. Cocreham for an award of punitive and exemplary damages under Arizona law and under 42 U.S.C. § 1983 in an amount to be proven at trial.

232. Ms. Cocreham therefore is entitled to judgment against all Officers and their respective spouses and marital communities for punitive and exemplary damages under Arizona law and under 42 U.S.C. § 1983, all in an amount to be proven at trial.

233. Ms. Cocreham is further entitled to judgment against all Officers and their spouses and marital communities for reasonable attorneys' fees incurred in pursuing this action under 42 U.S.C. § 1988(b).

DEMAND FOR JUDGMENT

Ms. Cocreham accordingly respectfully demands that the Court grant her judgment affording her the following relief:

A. For the claims for relief pleaded under Arizona law, judgment against the City of Phoenix and all Officers and their respective spouses and marital communities for all damages proximately caused Ms. Cocreham as alleged herein, in an amount to be proven at trial;

B. For the claim pleaded under A.R.S. §39-121.01, judgment against the City of Phoenix ordering it to forthwith produce the public records requested by Ms. Cocreham, as described in this claim, and awarding her reasonable attorneys' fees and costs incurred in this action pursuant to A.R.S. § 39-121.02(B).

C. For the claims for relief pleaded under 42 U.S.C. § 1983, judgment against the City of Phoenix and against all Officers and their respective spouses and marital communities for damages proximately caused Ms. Cocreham as alleged herein, in an amount to be proven at trial;

D. Judgment against all Officers and their respective spouses and marital communities for punitive and exemplary damages under Arizona law and under 42 U.S.C. § 1983, all in an amount to be proven at trial;

1 E. Judgment against the City of Phoenix and all Officers and their respective
2 spouses and marital communities for reasonable attorneys' fees incurred in pursuing this
3 action under 42 U.S.C. § 1988(b); and

4 F. Judgment against all Defendants for all other relief as is just, proper, or
5 equitable under the facts and circumstances of this action.

6 RESPECTFULLY SUBMITTED on September 23, 2021.

7 **CANTELME & BROWN, P.L.C.**

8
9 /s/ D. Aaron Brown, Bar No. 022133
10 2020 S. McClintock Drive, Suite 109
11 Tempe, Arizona 85282
12 Attorneys for Plaintiff Lillian Cocreham
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EXHIBIT 1

CANTELME BROWN, LAWYERS

D. Aaron Brown
aaron@cb-attorneys.com

A PROFESSIONAL LIABILITY CORPORATION
2020 S. McClintock Drive, Suite 109
TEMPE, ARIZONA 85282

Direct (602) 200-0105
Main (602) 200-0104
Facsimile (602) 200-0106

January 13, 2021

Public Records and Services Unit
City of Phoenix
1717 E. Grant Street, Suite 100
Phoenix, Arizona 85034

Re: Lillian Cocreham/Public Records Request

Dear Public Records and Services Unit Representative:

My Law Firm and I represent Lillian Cocreham in connection with the shooting deaths of her two sons, George Cocreham and Emmett Cocreham, at the hands of City of Phoenix Police Officers, on October 20, 2020, at Ms. Cocreham's home, located at 2210 E. Amelia Avenue, Phoenix.

Please allow this correspondence to serve as a public records request to the City on behalf of Ms. Cocreham. Ms. Cocreham does not make this request for any commercial purpose, within the meaning of such term defined in A.R.S. § 39-121.

Pursuant to A.R.S. §§ 39-121 through 39-161, we seek and request, on Ms. Cocreham's behalf, any all documents related to George Cocreham (43 years old) and Emmett Cocreham (44 years old), generated from October 19, 2020, to present. This includes, but is not limited to:

copies of any and all police reports, investigation reports, incident reports, supplemental reports, computer aided dispatch logs, 9-1-1 calls, all radio traffic, call logs, premise history, witness statements, photographs, images, videos, audio recording, Body Worn Camera (BWC), dash camera video and audio recordings, internal investigations and reports, administrative investigations and reports, third-party investigations and reports, and criminal investigations and reports, as well as emails, letters, voicemail recordings and messages between The City of Phoenix and Maricopa County Attorney's Office.

As you may know, Arizona law defines "public records" broadly and creates a presumption requiring the disclosure of public documents. *See Carlson v. Pima County*,

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141 Ariz. 487, 489-90 (1984) ("We think that the objective implicitly expressed in § 39121.01 is to broadly define those records which are open to the public for inspection under § 39-121, thus obviating the need for any technical distinction between 'public records' or 'other matters,' insofar as the right to inspection by the public is concerned").

In that vein, A.R.S. § 39-121 affirms the presumption of openness, stating that public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours. *See Griffis v. Pinal County*, 215 Ariz. 1, 4, ¶ 8 (2007) (A.R.S. § 39-121 "affirms the presumption of openness, stating that '[p]ublic records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours.'")

What's more, A.R.S. § 39-121.01(D)(1) requires the public agency to "promptly furnish" copies of records. Court have interpreted "prompt" under the statute to mean "quick to act or to do what is required" or "done, spoken, etc. at once or without delay." *See West Valley View, Inc. v. Maricopa County Sheriff's Office*, 216 Ariz. 225, 230, 1121 (App. 2007) ("Because the statute does not define 'promptly' we turn again to a dictionary, which defines 'prompt' to mean 'quick to act or to do what is required' or 'done, spoken, etc. at once or without delay.'")

Please contact undersigned directly if you need additional information or seek clarification of our requests

I appreciate your prompt attention to this matter.

Very truly yours,

CANTELME & BROWN, P.L.C.



D. Aaron Brown

cc. Lillian Cocreham
Cris Meyers, Esq., Phoenix City Attorney

CANTELME BROWN, LAWYERS

D. Aaron Brown
aaron@cb-attorneys.com

A PROFESSIONAL LIABILITY CORPORATION
2020 S. McClintock Drive, Suite 109
TEMPE, ARIZONA 85282

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Facsimile (602) 200-0106

January 20, 2021

Public Records and Services Unit
City of Phoenix
1717 E. Grant Street, Suite 100
Phoenix, Arizona 85034

Re: Lillian Cocreham/Public Records Request

Dear Public Records and Services Unit Representative:

My Law Firm and I represent Lillian Cocreham in connection with the shooting deaths of her two sons, George Cocreham and Emmett Cocreham, at the hands of City of Phoenix Police Officers, on October 20, 2020, at Ms. Cocreham's home, located at 2210 E. Amelia Avenue, Phoenix.

Please allow this correspondence to serve as a public records request to the City on behalf of Ms. Cocreham. Ms. Cocreham does not make this request for any commercial purpose, within the meaning of such term defined in A.R.S. § 39-121.

Pursuant to A.R.S. §§ 39-121 through 39-161, we seek and request, on Ms. Cocreham's behalf, any all documents related to:

1. Copies of any and all officer training manuals, protocols, videos, audios, or the like, in effect from January 1, 2020, to the present.
2. Copies of all officer supervisor protocols for domestic violence incidents.

As you may know, Arizona law defines "public records" broadly and creates a presumption requiring the disclosure of public documents. *See Carlson v. Pima County*, 141 Ariz. 487, 489-90 (1984) ("We think that the objective implicitly expressed in § 39121.01 is to broadly define those records which are open to the public for inspection under § 39-121, thus obviating the need for any technical distinction between 'public records' or 'other matters,' insofar as the right to inspection by the public is concerned").

In that vein, A.R.S. § 39-121 affirms the presumption of openness, stating that public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours. *See Griffiths v. Pinal County*, 215 Ariz. 1, 4, ¶ 8 (2007)

(A.R.S. § 39-121 "affirms the presumption of openness, stating that '[p]ublic records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours.'")

What's more, A.R.S. § 39-121.01(D)(1) requires the public agency to "promptly furnish" copies of records. Court have interpreted "prompt" under the statute to mean "quick to act or to do what is required" or "done, spoken, etc. at once or without delay." *See West Valley View, Inc. v. Maricopa County Sheriff's Office*, 216 Ariz. 225, 230, 1121 (App. 2007) ("Because the statute does not define 'promptly' we turn again to a dictionary, which defines 'prompt' to mean 'quick to act or to do what is required' or 'done, spoken, etc. at once or without delay.'")

Please contact undersigned directly if you need additional information or seek clarification of our requests

I appreciate your prompt attention to this matter.

Very truly yours,

CANTELME & BROWN, P.L.C.



D. Aaron Brown

cc. Lillian Cocreham
Cris Meyers, Esq., Phoenix City Attorney

EXHIBIT 2

Joe Encinas

From: Joe Encinas
Sent: Wednesday, May 5, 2021 4:40 PM
To: maria.palomino@phoenix.gov
Cc: Joe Encinas
Subject: FW: Public Records Request PPD-PR2021259475 PPD:0046410
Attachments: City of Phoenix public records request for Juarez 01.26.21.pdf

Maria, I am following up for Aaron with our record requests, (Officer Juarez) See below.
I have also attached a previous letter discussing the scope of our request.
Please call me so we may discuss in detail the scope of our request.
Thank you very much

From: Police Public Records PPD <policepublicrecords@phoenix.gov>
Sent: Monday, May 3, 2021 2:39 PM
To: Aaron Brown <Aaron@cb-attorneys.com>
Subject: Public Records Request PPD-PR2021259475 PPD:0046410

Good Afternoon,

Your Public Records Request PR2021259475 for email records between City of Phoenix and Officer Adrian Juarez has produced over 1,559 items. The search terms that was used is "Adrian Juarez #10097." Can you please refine the search terms so we can narrow down the results? Please give us keywords and terms for the search.

You may reply to this email with the information of call our office at 602-534-1127.

Thank you,

Gabriela Palomino
Public Records Team
Public Records and Services Unit
1717 E. Grant St. Ste 100
Phoenix, AZ 85034
Mon-Fri 8am to 4pm
602-534-1127

From: PPD PhoenixRecords
To: Dennis R Trujillo; Walter F Gustafson III; Patricia L Johnson
Subject: PPD-PR2021238060 has been assigned to your queue PPD:0233231
Date: Wednesday, February 10, 2021 4:23:26 PM

This Public Record Request has been assigned to the PPD ESB Requests queue.

The following information is regarding this request:

Service Request #: PPD-PR2021238060
Service Request Type: Other
Request SubType: ESB Record
Requestor Name: Kimberly Bonnell
Incident Report#:
Date Submitted: 2/10/2021 11:19 PM
Request Status: Submitted
Request Origin: Mail
Case Agent:
Start Date:
End Date:
First Name Involved Party: Adrian
Last Name Involved Party: Juarez
Location / Description: Job Application including polygraphs, background checks, resume, and job description/responsibilities for Officer Adrian Juarez #10097

Please process the request accordingly and assign it to the **PPD Public Records Return** queue when completed.

Thank you,
Public Records, Code Enforcement Unit
Phoenix Police Department
1717 E Grant St, Suite 100
Phoenix, AZ 85034
(602) 534-1127
Monday-Friday 8am to 4pm

EXHIBIT 3

CANTELME & BROWN, P.L.C. LAWYERS

D. Aaron Brown
dbrown@cb-attorneys.com

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TEMPE, ARIZONA 85282

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CONFIDENTIAL & PRIVILEGED ATTORNEY-CLIENT COMMUNICATION ATTORNEY WORK PRODUCT

February 23, 2021

Public Records and Services Unit
City of Phoenix
1717 E. Grant Street, Suite 100
Phoenix, Arizona 85034

Dear Public Records and Services Unit Representative:

Cantelme and Brown, P.L.C. Law Firm represents Lilian Cocreham in connection with the shooting deaths of her two sons, George Cocreham and Emmett Cocreham, at the hands of City of Phoenix Police Officers, on October 20, 2020, at Ms. Cocreham's home, located at 2210 E. Amelia Avenue, Phoenix.

The City of Phoenix has legal obligations to not prejudice the rights of our client. If you have counsel, please have them contact us immediately.

This correspondence serves as a follow up to our client's records requests of January 13, 2021 through current date. To date, we only received 903 photos and seven Body Cam Videos which are so redacted that we cannot identify whom the subject is in some of the photos. My office called four times to ask for assistance from the Records Department and the Records Department claims that they cannot provide the name of the subject in the redacted photos. By way of this letter, I am requesting a phone call immediately to address this concern.

There is a complete absence of records for the City of Phoenix Police Department polices, practices, procedures; along with the following overdue records:

- Air Unit Records
- Recorded Interviews of **all** Officers at time of incident
- On Body Camera Video

- Investigation Reports
- Supplemental Reports
- Computer aided dispatch logs
- 911 Calls
- Radio traffic
- Call logs
- Premise history
- Witness statements
- Images
- Videos
- Audio Recordings
- Internal Investigation Reports
- Administrative Investigations
- Third Party Investigations

Records for Juarez, Adrian - 10097

- Officer photos
- History file
- Department file
- Firearm training records
- Division file
- Physical file
- Job application
- Polygraphs
- Background checks
- Resume
- Job application
- Job Description
- Correspondence between City of Phoenix and Officer Juarez
- Internal Investigation Reports
- Discipline Reports
- Discharge Firearm Reports
- Weapons Records
- Training Records
- Fiscal File

- Pay and Compensation

**Records for Dohan, Laker –
Badge # 10068**

- Officer photos
- History file
- Department file
- Firearm training records
- Division file
- Physical file
- Job application
- Polygraphs
- Background checks
- Resume
- Job application
- Job Description
- Correspondence between City of Phoenix and Officer Dohan
- Internal Investigation Reports
- Discipline Reports
- Discharge Firearm Reports
- Weapons Records
- Training Records
- Fiscal File
- Pay and Compensation

Arizona law defines "public records" broadly and creates a presumption requiring the disclosure of public documents. *See Carlson v. Pima County*, 141 Ariz. 487, 489-90, 687 P.2d 1242, 1244-45 (1984). Section 39-121 of the Arizona Revised Statutes affirms the presumption of openness, stating that public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours. *See Griffis v. Pinal County*, 215 Ariz. 1, 156 P. 3d 418 (2007). A.R.S. § 39-121.01(D)(1) requires the public agency to "promptly furnish" copies of records. Court have interpreted "prompt" under the statute to mean "quick to act or to do what is required" or "done, spoken, etc. at once or without delay." *See West Valley View, Inc. v. Maricopa County Sheriff's Office*, 216 Ariz. 225, 165 P. 3d 203 (2007).

It's been almost six weeks since our first request. We have followed up multiple times. This delay is not a prompt response. Further, the fact that we have been told that the records have been reviewed multiple times, as well as your prompt response in providing some records, indicates that you have had sufficient time to promptly respond with all the records requested. If we do not receive all requested records by March 5, 2021, or an acceptable explanation as to why further delay is required, we will file a public records suit and seek attorney fees and costs for doing so.

You are again hereby advised that you have a legal duty to retain, protect and preserve all evidence pertaining to this incident, surrounding events and claim. Any failure on your part to properly preserve evidence, or any action on your part to destroy any available evidence, will lead to potential adverse consequences to you and your officers, including, without limitation, giving rise to a legal presumption that the evidence would have been harmful to your side of the case. The destruction, alteration or loss of any of evidence may constitute spoliation under the law. If you fail to preserve and maintain evidence, we will seek sanctions.

Please also consider this letter our request that you preserve any and all evidence related to this matter, including employment records and written statements of witnesses and/or employees. Please also preserve all photographic, video and/or audio records of the incident and events prior thereto.

I appreciate your quick to act, prompt response. Please contact us if you need additional information or seek clarification.

Please call me if you have any questions or concerns.

Very truly yours,

CANTELME & BROWN, P.L.C.

By: D. Aaron Brown

EXHIBIT 4

CANTELME BROWN, LAWYERS

David J. Cantelme
david@cb-attorneys.com

A PROFESSIONAL LIABILITY CORPORATION
2020 S. MCCLINTOCK DRIVE, SUITE 109
TEMPE, ARIZONA 85282

Direct (602) 200-0125
Main (602) 200-0104
Facsimile (602) 200-0106

June 1, 2021

Chris Meyer, Esq.
Phoenix City Attorney
200 West Washington Street
Phoenix, Arizona 85003

Dear Mr. Meyer:

As you probably know from our service of a notice of claim on the City of Phoenix in this case, my law firm and I represent Lillian Cocreham in connection with the death of her two sons, George Cocreham and Emmett Cocreham, on October 20, 2020, at Ms. Cocreham's home, located at 2210 E. Amelia Avenue, Phoenix. As you doubtless are aware, the Maricopa County Medical Examiner has ruled that both deaths were homicides.

This correspondence follows up our previous requests to the City of Phoenix Police Records Department for public records. The Records Department either has not responded at all or is slow-walking its response. My office has called several times to ask for assistance from the Records Department, and in response the Records Department claims that they are processing the requested records. But nothing ever happens. Thus, I am escalating these public records requests to your attention.

As you know, Arizona law defines "public records" broadly and creates a presumption requiring the disclosure of public documents. *Carlson v. Pima County*, 141 Ariz. 487, 489-90 (1984). A.R.S. § 39-121 affirms the presumption of openness, stating that public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours. *Griffis v. Pinal County*, 215 Ariz. 1 (2007). A.R.S. § 39-121.01(D)(1) requires the public agency to "promptly furnish" copies of records. Courts have interpreted "prompt" under the statute to mean "quick to act or to do what is required" or "done, spoken, etc. at once or without delay." *West Valley View, Inc. v. Maricopa County Sheriff's Office*, 216 Ariz. 225 (2007).

I specifically ask for your assistance in securing the Air Unit Records, covering the service call to 2210 E. Amelia Avenue Phoenix, Arizona, on October 20, 2020, including the helicopter video recording of this service call, the helicopter log, the in-flight records relating to this service call, *i.e.* when the helicopter took off and when it landed, and the

CHRIS MEYER, ESQ.
PHOENIX CITY ATTORNEY
JUNE 1, 2021
PAGE TWO

helicopter audio communications for this call. All of these items fall within the definition of public records, and the City has a legal duty to produce them. To date, it has failed to comply with or satisfy this legal duty. Please advise when the City will make these records available.

Please also consider this letter our request that the City preserve any and all evidence related to this matter.

I appreciate your prompt response. Please contact me if you need additional information or seek clarification.

Thank you for your attention to these matters.

Very truly yours,

CANTELME & BROWN, P.L.C.



By: David J. Cantelme

CANTELME & BROWN, P.L.C. | LAWYERS

David J. Cantelme
david@cb-attorneys.com

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2020 S. MCCLINTOCK DRIVE, SUITE 109
TEMPE, ARIZONA 85282

Direct (602) 200-0125
Main (602) 200-0104
Facsimile (602) 200-0106

June 14, 2021

Chris Meyer, Esq.
Phoenix City Attorney
200 West Washington Street
Phoenix, Arizona 85003

Re: Claim of Lily Cocreham for the Homicides of
Emmett Cocreham and George Cocreham

Dear Mr. Meyer:

As you know from recent correspondence and from our service of a notice of claim on the City of Phoenix in this case, my law firm and I represent Lillian Cocreham in connection with the death of her two sons, George Cocreham and Emmett Cocreham, on October 20, 2020, at Ms. Cocreham's home, located at 2210 E. Amelia Avenue, Phoenix. As you doubtless are aware, the Maricopa County Medical Examiner has ruled that both deaths were homicides.

This correspondence follows up our previous requests to the City of Phoenix Police Records Department for public records. My office previously requested and received the incident photographs and Police Body Cams but with considerable redactions. Thus, I am escalating these public records requests to your attention for release of unredacted versions of the body cams.

As you know, Arizona law defines "public records" broadly and creates a presumption requiring the disclosure of public documents. *Carlson v. Pima County*, 141 Ariz. 487, 489-90 (1984). A.R.S. § 39-121 affirms the presumption of openness, stating that public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours. *Griffis v. Pinal County*, 215 Ariz. 1 (2007). A.R.S. § 39-121.01(D)(1) requires the public agency to "promptly furnish" copies of records. Courts have interpreted "prompt" under the statute to mean "quick to act or to do what is required" or "done, spoken, etc. at once or without delay." *West Valley View, Inc. v. Maricopa County Sheriff's Office*, 216 Ariz. 225 (2007).

I am specifically asking for your assistance in **providing unredacted copies of incident photographs and Police Body Cam Videos**, covering the service call to 2210 E. Amelia Avenue Phoenix, Arizona, on October 20, 2020. These items fall within the

CHRIS MEYER, ESQ.
PHOENIX CITY ATTORNEY
JUNE 14, 2021
PAGE TWO

definition of public records, and the City has a legal duty to produce them. To date, it has failed to comply with or satisfy this legal duty. Please advise when the City will make these records available.

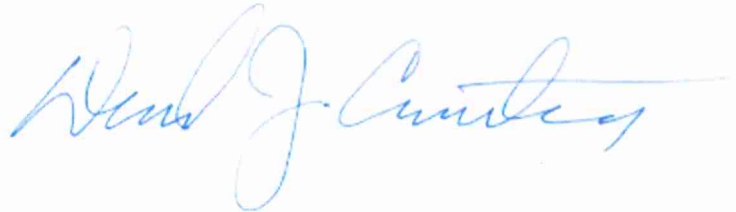
Please also consider this letter our request that the City preserve any and all evidence related to this matter.

I appreciate your prompt response. Please contact me if you need additional information or seek clarification.

Thank you for your attention to these matters.

Very truly yours,

CANTELME & BROWN, P.L.C.

A handwritten signature in blue ink, appearing to read "David J. Cantelme", with a long horizontal flourish extending to the right.

By: David J. Cantelme